

01.05.2024
Item No. 13
Court No.11
Avijit Mitra

**MAT 712 of 2024
with
CAN 1 of 2024**

**Gorachand Bishoyee
-Versus-
The State of West Bengal & ors.**

Mr. Ekramul Bari,
Mr. Syed Mansur Ali
...for the appellants
Mr. Manas Kundu,
Ms. Tanima Sengupta
....for the State respondents
Ms. Chama Mukherji,
Mr. Anujit Mukherji,
Ms. Chandrani Ghosh,
Ms. Monisha Chatterjee
...for the respondent nos. 3 to 5

The present appeal has been preferred challenging an order dated 2nd April, 2024 passed by the learned Single Judge in the writ petition being WPA 6103 of 2024. By the said order, the writ petition was disposed of permitting the writ petitioner to be represented in the pending disciplinary proceeding by one Mr. Riddhiman Haldar, Senior Teacher and Senior School Coordinator of Calcutta Boys' School (in short, the said school).

Mr. Bari, learned advocate appearing for the appellant submits that the writ petition was abruptly disposed of without dealing with the argument advanced to the effect that the authorities should start the

disciplinary proceeding *de novo*. Such infirmity warrants interference of this Court.

Ms. Mukherji, learned advocate appearing for the respondent nos.3 to 5 vehemently opposes the contention of the appellant and submits that the engagement of Mr. Riddhiman Haldar was on consent of the parties. Having accepted such appointment, the appellant cannot again turn back and challenge such engagement. It is thus explicit that the sole intent of the appellant is to delay the conclusion of the disciplinary proceeding which is pending since the month of March, 2024.

Mr. Kundu, learned advocate enters appearance on behalf of the State respondents.

In reply, Mr. Bari submits that under compelling circumstances he accepted the proposal of engagement of Mr. Riddhiman Haldar.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears from the order impugned that the appellant's prayer for being represented in the disciplinary proceeding by an employee of any other school was denied as such representation is not permissible under the Rules and Regulations and one Mr. Riddhiman Haldar was engaged as the appellant's defence assistant, on consent.

The argument of Mr. Bari that the entire disciplinary proceeding as initiated needs to be started *de novo* is not acceptable to this Court in as much as in the writ petition itself no such relief was prayed for.

In view thereof, we do not find any infirmity in the order impugned and as such no interference is called for.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Urgent Photostat certified copy of this judgment, if applied for, shall be granted to the parties as expeditiously as possible, upon compliance of all formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)