

10.05.2024
Item No.05 DL
Ct.18
A.J.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 13189 of 2024

**Sekandar Rabidas
-Vs-
The State of West Bengal & Ors.**

Mr. Biswaroop Bhattacharyya,
Mr. Ratikanta Pal.
.....for the Petitioner.

Mr. Supriyo Chattopadhyay, A.G.P.,
Ms. Sayantanee Bhattacharjee.
.....for the State.
Ms. Koyeli Bhattacharyya.
.....for WBBSE.

Affidavit of service filed on behalf of the petitioner be
kept with the record.

The petitioner is the suspended Headmaster of
Rajballavpur High School (H.S.), District: 24-Parganas (North).

A disciplinary proceeding has been initiated against the
petitioner and in relation thereto, the Deputy Secretary of the
West Bengal Board of Secondary Education, the respondent no. 7
herein, being the Disciplinary Authority, has issued the charge-
sheet dated April 04, 2024 whereby the petitioner has been asked
to clarify his stand on the charges mentioned in the said charge-
sheet and to show reasons as to why punitive measures will not
be taken against him for those charges.

The petitioner is challenging the said charge sheet inter
alia on the grounds that it is vague and that the disciplinary
authority, in framing the said charges, has not followed the
requirement of sub-rule (4) of Rule 5 of the West Bengal Board
of Secondary Education (Appointment, Confirmation, Conduct
and Discipline of Teachers and Non-Teaching Staff) Rules, 2018.

Sub-rule (4) of Rule 5 of the said Rules of 2018 prescribes that the disciplinary authority shall frame charges containing a statement of imputations of misconduct, including any admission or confession made by the teaching and Non-teaching staff with annexure of a list of documents and a list of witnesses by which and by whom the charges are proposed to be substantiated.

The petitioner never complained before the Disciplinary authority that the procedures prescribed under the aforementioned Rules in framing the charge-sheet have not been followed, rather by a letter dated April 15, 2024, the petitioner had prayed for extension of time to submit his reply to the said charge sheet till May 09, 2024 without raising any dispute with regard to any procedural defects in framing the said charge-sheet, moreover, a challenge to the charge-sheet is pre-matured.

WPA 13189 of 2024 is therefore dismissed without any order as to costs.

The petitioner however is at liberty to approach the Disciplinary authority for extension of time to submit reply to the said charge sheet, if not already submitted.

The Disciplinary Authority shall make all endeavour to dispose of the disciplinary proceeding as expeditiously as possible in accordance with law.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)