

ML 197
24.09.2024
Ct. No. 18
adeb

W.P.A. 14588 of 2023

**Saktipada Goura
Vs.
The State of West Bengal & Ors.**

Mr. Asok Nath Ghosh
Mr. Kinkar Chandra Basu
...for the Petitioner

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
...for the State

Mr. Arjun Roy Mukherjee
Ms. Saheli Mukherjee
...for the respondent no. 4

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

Matter is heard in presence of the learned
advocates representing the petitioner and Paschim Banga
Samagra Siksha Mission.

Petitioner being para teacher of a Government
aided higher secondary school was suspended by the
Managing Committee of Belti Giribala Vidyapith (H.S.)
District-Paschim Medinipur based on the resolution of
the Managing Committee dated 30th April, 2022 since
petitioner was accused of committing offence under
Section 354 of Indian Penal Code and Section 10 of
POCSO Act 2012. The learned advocate representing the
petitioner submits that the petitioner was released on
bail on 21st May, 2022. Therefore, he should be

permitted to resume his duty pending outcome of the criminal proceeding against him.

Paschim Banga Samagra Siksha Mission is represented by learned advocate who submits that charges against the petitioner is serious since the petitioner is accused of committing offence under Section 354 of Indian Penal Code and Section 10 of POCSO Act 2012. It is also submitted that school is a girls' higher secondary school where petitioner during the pendency of the criminal proceeding may not be permitted to resume duty since that would create grievance amongst the guardians of the girl students. It is also submitted that there is no specific statutory provision which make the petitioner entitled to resume duty being enlarged on bail who is accused of committing criminal offences. Notice of this Court has also been drawn to the order passed by State Project Director, Paschim Banga Samagra Siksha Mission wherein it has been recorded the resumption of duty of the petitioner at this stage when criminal proceeding is being continued may lead to a situation which would be detrimental to the academic interest of the students.

Having considered the submissions made on behalf of the parties and taking note of gravity of charge made against the petitioner at this stage it would not be apt to permit the petitioner to resume duty as para teacher in the aforesaid girls' school.

However, this order shall not preclude the petitioner to resume duty as para teacher if the writ petitioner is acquitted on conclusion of criminal proceedings.

With the aforesaid observations the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)