

Item No.13

28.06.2024  
Ct-14

In the High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 16409 of 2024  
Papiya Mondal  
v.  
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya  
Mr. Anita Shaw  
... for the petitioner.

Mr. Amal Kumar Sen, Ld. AGP  
Mr. Lal Mohan Basu  
... for the State.

The petitioner is a teacher of Raniganj High School. An altercation took place between the teacher and the headmaster of the said school inside the school premises. The petitioner suffered injury and had to take medical treatment.

A complaint was sought to be lodged before the Inspector-in-Charge, Raniganj Police Station but as the police refused to accept the complaint, the petitioner made a representation before the Commissioner of Police, Asansol Durgapur Police Commissionerate.

After the complaint was registered before the Police Commissionerate the local police station accepted the complaint of the petitioner and registered FIR being FIR No. 206/24 dated June 22, 2024 u/ss. 341 / 323/354/506/34 IPC at 16.05 p.m. Over the same

incident the husband of the petitioner was arrested and was in the custody of the police for five days.

The headmaster of the school also lodged a complaint before the police at 15.05 p.m. and the police registered the complaint being FIR No. 205/2024 dated June 22, 2024 u/ss. 341/323/326/506/34 IPC.

The petitioner has annexed the medical report of the headmaster of the school issued by the Asansol District Hospital on June 22, 2024 at 11.25 a.m. which mentions about x-ray to be conducted in the right hand of the headmaster and the doctor recorded that the patient disclosed about pain in the right hand.

The petitioner has annexed photographs to show that only three fingers of the left hand of the headmaster were tied with a tape and the left hand of the headmaster was put in a sling.

The petitioner prays for a direction upon the Police Commissioner of the Commissionerate to take over the investigation from the local police station.

Learned advocate representing the State respondents has produced a report forwarded by the Inspector-in-Charge, Raniganj Police Station signed on June 27, 2024 which mentions that investigation of both the cases are continuing.

From the report filed by the police it appears that the police is biased in favour of the headmaster. The petitioner and her husband both of whom are school teachers of the same school have been described as very aggressive in nature and the police *prima facie* found that the petitioner and her husband were responsible for the incident. The other observations in the police report also give out an impression that may be because the

headmaster is an accused, the local police is not able to investigate the case in a free and transparent manner. The medical documents of the headmaster annexed to the writ petition do not find a place in the police report.

In such a situation the Court is doubtful as to whether the local police station will be able to conduct a fair and unbiased investigation.

In view of the above, the Court is of the opinion that all documents in connection with the two FIRs that are being investigated by the Raniganj Police Station be immediately transferred to the Commissioner of Police, Asansol Police Commissionerate for causing investigation at the behest of a police officer not below the rank of Deputy Commissioner of Police. The investigation shall be conducted in a transparent, fair and unbiased manner. Endeavour shall be to conclude the investigation at the earliest.

The police shall, however, ensure that there is no breach of peace inside the school premises and functioning of the school is not hampered in any manner whatsoever in view of the infighting between the staff members of the subject school.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Report filed by the Inspector-in-Charge, Raniganj Police Station signed on June 27, 2024 is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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**(Amrita Sinha, J.)**