

18.11.2024
Item No.6
gd/ssd

WPA/16782/2021
ROBIN MAJUMDAR
VS
STATE OF WEST BENGAL & ORS

Mr. Arup Banerjee,
Mr. A.K. Saha
..for the Petitioner.

Mr. Tapan Kumar Mukherjee,, Ld. AGP,
Mr. Pinaki Dhole,
Mr. Avishek Prasad
..for the State.

Ms. Joyita Ray
..for the Respondent no.6.

The petitioner has challenged the order dated
14th March, 2020 in this writ petition.

The petitioner was a part-time teacher in
Bengali, Memari College. Subsequently, his
engagement was termed as a Government approved
part-time teacher.

The petitioner claims that he was falsely
implicated in a criminal proceeding while he was
discharging his duties as a teacher in the said
College.

A show-cause letter was issued to the
petitioner by the respondent College on August 21,
2018 and the petitioner was informed by the said
College that he has been deemed to have suspended

with effect from the date of his arrest i.e. from 21st September, 2018.

After the criminal case was disposed of by a judgment dated September 6, 2019 and by the said judgment the petitioner was found not guilty of the charge of offences, the petitioner approached this Court by filing a writ petition being W.P. No.157 (W) of 2020 praying for withdrawal and/or revocation of the order of suspension.

A Coordinate Bench by an order dated January 24, 2020 directed the 6th respondent therein to consider the representation of the petitioner dated November 7, 2019 upon giving an opportunity of hearing to the petitioner and to take a decision in accordance with law and to communicate the same to the petitioner within time limit as stipulated in the said order.

Pursuant to the said order the Principal of the Memari College passed an order dated March 14, 2020.

In the said order it was observed that the authority of the College was not satisfied with the service and conduct of the petitioner and accordingly did not renew the service for a further period of one year i.e. 2019-20 and his name was accordingly struck off from the Roll.

Mr. Banerjee, learned Advocate for the petitioner submits that the said order is ante dated one as would be evident from the document annexed at page 101 of the writ petition (annexure P-19) which would go to show that the authorities of Memari College considered the petitioner to be a faculty member even after passing of the order dated 14th March, 2020.

The petitioner claims to have submitted a letter dated September 9, 2020 praying for reconsideration of the order dated March 14, 2020.

After going through the documents annexed at page 101 of this writ petition, this Court is, prima facie, of the view that on 19th March, 2020 the authorities of the said College considered the petitioner to be a faculty member in the Bengali Department.

Mr. Banerjee, Learned Advocate for the petitioner submits that the finding of the Principal, Memari College in the order dated 14th March, 2020 that the petitioner on repeated occasions was absent from duty is a perverse finding.

Heard Mr. Mukherjee, learned Additional Government Pleader and Ms. Roy, learned Advocate for the College on such submission.

Since such is a finding of fact, this Court cannot enter into the said issue in this writ petition.

However, it will be open to the petitioner to raise all points before the authority in course of hearing to be conducted by the authority pursuant to this order.

This Court, therefore, directs Principal, Memari College to consider the representation of the petitioner dated September, 9, 2020 praying for reconsideration of the order dated 14th March, 2020 on the grounds as indicated in the said order and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner and communicating the same to the petitioner immediately thereafter. It will be open to the petitioner to place reliance upon any Government orders, notifications with regard to his prayer of continuance in the engagement/re-engagement. The entire exercise shall be completed as expeditiously as possible but positively within a period of eight weeks from date of receipt of a server copy of this order.

With the above observations and directions this writ petition stands disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities

(HIRANMAY BHATTACHARYYA, J.)