

**3107
2024**

WEDNESDAY

Court : 08
Item : DL-09
Matter : MAT
Status : DISMISSED
Bench ID : 266006
Transcriber : NANDY

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

MAT 1432 of 2024
with
CAN 1 of 2024

Dr. Syed Imtiaz Ahmed
Vs.

The State of West Bengal & Ors.

Mr. Syed Arif Ahmed, Advocate

.....for the Appellant

Mr. Supriyo Chattopadhyay, Learned AGP

Mr. Moniruzzaman, Advocate

Mr. Manas Kumar Sadhu, Advocate

.....for the State

Ms. Koyeli Bhattacharya, Advocate

.....for the WBBSE

1. The instant appeal arises from an order dated 08.07.2024 by which the Single Bench not only taken on record the exception to the re-audited report concerning the accounts of Balarampur M.N. Vidyamandir (H.S.) for the Financial Year 2021-22 and 2022-23 but further directed the Enquiry Officer to submit the report with the Disciplinary Authority before the next date of hearing. The matter was fixed on July 26, 2024.
2. The appellant filed a writ-petition raising several grievances and allegations against the teaching staffs who are allegedly running a parallel administration in the said Institution. The prayer made in the writ-petition relates to issuance of mandamus upon the Commissioner of School Education and the District Inspector of Schools (Secondary Education), South 24-Parganas to take an appropriate step against the teaching staff so

that a congenial atmosphere may be restored in the Institution.

3. It appears that there was serious allegation made against the appellant and an FIR was also lodged alleging the illegal and wrongful defalcation of funds. Simultaneously, the authorities initiated a disciplinary proceeding and the Enquiry Officer is in the process of completing the enquiry and have not submitted the report to the disciplinary authority.
4. Our endeavour has failed to find out from the tenet of the order that any ground of prejudice having been shown to the appellant. The entire matter is sub-judice before the Single Bench and the points sought to be agitated before us, if taken, are required to be decided on merit. Since the interim order does not appear to have prejudicially affecting the right of the appellant or the direction upon the Enquiry Officer to submit the report to the Disciplinary Authority can be said to be patently illegal.
5. The moment the authorities have initiated a disciplinary proceeding, such proceeding shall be conducted in accordance with the relevant statutory provisions and obviously the delinquent will be afforded all opportunity to defend the same. The time has not come yet as the writ-petition does not impinge any action of the authorities in relation to a disciplinary proceeding and, therefore, we do not find that it a fit case where any interference is warranted at this stage.
6. The submission so made by the appellant, in our

opinion, is beyond the pleading nor any case of such nature is made out nor any relief is claimed either the show-cause having issued is illegal and not in consonance with law nor biasness and impartiality of the Enquiry Officer is found. Therefore, the point which is foreign to the pleading cannot be permitted to agitate.

7. We make it clear that it is open to the appellant to take all the points as available to him and we hope and trust that the Single Bench will take note of those points and shall arrive at the informed decision as per law.
8. The appeal being **MAT 1432 of 2024** and the connected application being **CAN 1 of 2024** are accordingly **dismissed**.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J)