

7.2.2024,
ct.35,sl.10 & 11
sk

WPA 23957 of 2017
(CAN 2/2022), (CAN 3/2022)

Pralay Kr. Sarkar-vs-State of West Bengal & Ors.
With
WPA 22075 of 2017
(CAN 1 of 2022), (CAN 2 of 2022)

Ms. Avijit Chakraborty
....for the petitioner. .

Ms. Koyeli Bhattacharyya.
...for the WBBSE.

Mr. S. K.Roy
...for the School Authority.

Ms. Sanghamitra Nandy
...for the State.

The writ petitions No. WPA 23957 of 2017 as well as WPA 22075 of 2017 are similar matters and taken up together by this court today for hearing and disposal.

The respective parties are represented.

On behalf of the substituted petitioner it has been submitted that upon death of the original petitioner, they have been substituted in this case, in place of the original writ petitioner, by dint of an order dated 9.1.2024.

The factual background of the case in a nut shell is that, the original petitioner who was a Headmaster of respondent no. 4/School, was suspended by dint of an order dated 25.11.2016 and subsequently disciplinary enquiry was initiated against him.

The original writ petitioner had died on 29th December, 2021 during pendency of the disciplinary proceeding as well as the present writ petition.

On behalf of the substituted writ petitioner, it is submitted that pursuant to death of the original writ petitioner, the writ petition No. WPA 23957 of 2017, in which he had challenged the order of suspension against him, became infructuous.

So far the writ petition No. WPA No 22075 of 2017 is concerned, Ms. Koyeli Bhattacharyya, learned advocate submits that the disciplinary proceeding is still not concluded. The report of the enquiry officer has been submitted before the disciplinary authority i.e. the Board/respondent No. 13. It has further been submitted that the disciplinary authority is yet to take its decision, on the basis of the report of the enquiry officer. He says that unless and until the authorities take decision as regards the disciplinary proceeding, the terminal benefits of the said school teacher, since deceased, would remain withheld by the appropriate authority, that is, the District Inspector of Schools (Secondary Education) Howrah/respondent no. 3.

Ms. Sanghamitra Nandy, learned advocate for the State endorses the fact of death of the original writ petitioner.

Ms. Koyeli Bhattacharyya, learned advocate on behalf of the Board/respondent No. 13 has conceded regarding receipt of the report submitted by the enquiry officer. It is submitted further that the Board is yet to take necessary steps, pursuant to the said enquiry report. She has also conceded to the fact of death of the original writ petitioner.

On the basis of the submissions made and the facts and circumstances, it is found proper, to dispose of this writ petition with the following directions:-

Let the Board/respondent No. 13, immediately consider and decide as regards the enquiry report submitted, in the disciplinary enquiry against the original writ petitioner.

Let the decision as above, taken by the respondent No. 13 be reduced to a written order and communicated to the substituted writ petitioners and all other concerned, immediately after passing of such order. The exercise, as above, shall be concluded by the said respondent, within a period of three weeks from the date of service copy of this order to the office of the West Bengal Board of Secondary Education.

With the directions as above both WPA 23957 of 2017 and WPA 22075 of 2017 are disposed of.

Urgent photostat certified copy of this order duly downloaded from the official website of this court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)