

Ml- 26.09.2024
269 Ct.18
rkd

W.P.A. 18290 of 2023

Swarup Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Arkadipta Sengupta,
Mr. Kalyan Chatterjee,
Ms. Aayushi Mukherjee

....for the petitioner.

Mr. Chittapriya Ghosh,
Ms. Somesh Ghosh

....for the respondent no.7.

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal

....for the State.

Ms. Koyeli Bhattacharyya,

....for the WBSSE.

A report in the form of affidavit has been filed by the Teacher-in-Charge of Simulia Junior High School being respondent no.7 today and the same is taken on record.

The learned advocates representing the petitioner and respondents are heard at length.

Though West Bengal Board of Secondary Education is arrayed as respondent no.3 but the Board is not represented.

Ms. Koyeli Bhattacharyya, learned advocate who is present in Court and who normally represents the Board is requested to enter appearance on behalf of Board.

Let engagement of Ms. Bhattacharyya be

regularized by the concerned authority of the Board.

By presenting this writ petition, *inter alia*, petitioner being the Assistant Teacher of the aforesaid school has prayed for regularization of the period during which petitioner was taken into custody in connection with Salar P.S. Case No.198/2017 dated November 8, 2017.

The learned advocate for the petitioner submits that the petitioner was arrested on 8th November, 2017 and enlarged on bail on 14th June, 2018. Petitioner prays for regularization of the aforesaid period and release of arrear dues.

Most significant submission so far petitioner is concerned is his acquittal by virtue of judgment dated 30th July, 2022 delivered by the Additional Sessions Judge, Kandi, Murshidabad which is annexure P6 to this writ petition. It is also submitted that against the order of acquittal dated 30th July, 2022 till date no appeal has been preferred.

Taking note of the submission made on behalf of the petitioner as well as respondent authorities the writ petition stands disposed of directing the President, West Bengal Board of Secondary Education to decide the claim of the

petitioner seeking regularization of the period during which petitioner was taken into custody and release of arrear salary for the said period.

The President of the Board shall pass a reasoned order by eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the school authority or their representatives.

The decision to be taken by the president shall be communicated to the parties by two weeks thereafter.

President of the Board is not made party.

Leave is granted to the learned advocate for the petitioner to amend the cause the title in course of this day and add President of the Board as additional respondent.

However, service of notice upon the Board stands dispensed with since Board is represented by learned advocate.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)