

03.01.2024

BP
Sl. 196
Court No. 17

WPA 18985 of 2023

Smt Sila Pal

Vs.

The Chairman, Purba Burdwan
District Primary School Council & Ors.

Mr. Sahasrangshu Bhattacharjee
Ms. Sayantanee Bhattacharjee
..for the petitioners

Mr. Saibal Acharyya
Mr. Tanweer J. Mandal
..for the DPSC, Purba Burdwan

Mr. B.P. Vaisya
Mr. Sagnik Chatterjee
..for the State

Affidavit of service filed in court today be kept on record.

Relying upon a judgement and order delivered by this court on 12.07.2023 (Ekramul Haque vs. The Chairman, Burdwan District primary School Council), Mr. Bhattacharjee, learned advocate for the petitioner has submitted that this matter also involves the similar facts and circumstances. Therefore, the similar order as was passed in the matter as indicated should be passed. He has demonstrated the similarities which I have considered and, therefore, I pass the following order:-

The Chairman, Purba Burdwan District Primary School Council is directed to reconsider his decision as

to termination of service of the petitioner as the petitioner has been declared by a competent court having jurisdiction that she is not guilty of forgery.

Therefore, The Chairman, Purba Burdwan District Primary School Council is directed to give an opportunity of hearing to the petitioner and to consider the judgement and order passed by the Judicial Magistrate's court being 3rd court, Chinsurah (Sadar), Hooghly which is at pages 23 to 29. Such hearing is to be given within a period of four weeks from date and thereafter he may pass a reasoned and speaking order.

If it is found that the petitioner's termination is bad, she should be allowed to join her service and if it is found that some other grounds are there for terminating the service of the petitioner, that is to be specifically mentioned in the said reasoned and speaking order. The reasoned and speaking order is to be communicated to the petitioner within a period of two weeks from the date of publishing the reasoned and speaking order by the Chairman, DPSC, Purba Burdwan.

With the above observation and direction this writ application is allowed.

(Abhijit Gangopadhyay, J.)

