

W.P.A. 20903 of 2024

**Anima Koley Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar
Ms. Deblina De
...for the petitioner

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
...for the Board

Mr. Suman Sengupta
Mr. Pradyut Kr. Das
...for the State

Mr. Ujjal Roy
Mr. Sk. Abdur Rahim
...for the School

Pursuant to the order dated 6th September, 2024 a report in the form of affidavit has been filed today on behalf of the West Bengal Board of Secondary Education and the same is taken on record.

On perusal of the report it appears that twice Board tried to serve show cause letter first under memo dated 8th May, 2023 and thereafter under memo dated 27th June, 2023 but the show cause notice could not be served upon the petitioner and it is stated in paragraph 5 that the said show cause notice dated 8th May, 2023 returned unclaimed thereafter Board having not received reply to the show cause notice issued charge sheet dated

10th September, 2024 against the petitioner in contemplation of disciplinary proceedings.

Such submission relating to effort being made by the Board to serve show cause notice dated 8th May, 2023 upon the petitioner is disputed and it has been submitted on behalf of the petitioner that without granting due opportunity to her to respond to the show cause notice dated 8th May, 2023 Board ought not to have issued charge sheet dated 10th September, 2024 in terms of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching staff) Rules, 2018.

Having considered the submissions made on behalf of the parties this Court permits the learned advocate representing the Board to handover show cause notice dated 8th May, 2023 to the learned advocate representing the petitioner which would be treated as service of show cause notice upon the petitioner. Petitioner is directed to offer reply to the show cause notice by Friday next, 4th October, 2024 without praying for extension of time for submitting reply. Till consideration of reply to said show cause notice charge sheet dated 10th September, 2024 shall be kept in abeyance. The concerned authority of the Board shall consider the reply to the show cause notice and if finds that there is requirement to initiate disciplinary proceedings then an appropriate order shall be passed for reviving the charge sheet dated 10th

September, 2024 otherwise the proceeding shall be dropped.

The writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)