

22.07.2024
Court No. 18
Item No. 07
(Suvendu)

WPA 20585 of 2023

Gorachand Das

-Versus-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana

Mr. Subhajyoti Das

.....for the petitioner

Ms. Koyeli Bhattacharyya

.....for the WBBSE

Affidavit of service filed on behalf of the petitioner is taken on record.

In the writ petition challenge has been thrown to the order of suspension dated 6th January, 2023 passed against the petitioner since the petitioner in connection with a criminal proceeding was taken into custody on 16th September, 2022.

The learned advocate representing the petitioner submits that petitioner was enlarged on bail on 29th October, 2022 and subsequently an order of acquittal has been passed by the learned Special Court, POCSO Act, Contai in favour of the petitioner on 19th June, 2024. A copy of the said order dated 19th June, 2024 is placed before this Court and the same is taken on record.

It is submitted on behalf of the petitioner that in view of order of acquittal dated 19th June, 2024 which has been passed in favour of the petitioner no criminal proceeding as on date is pending against the petitioner which makes the petitioner entitled to resume his duty as an Assistant Teacher of the concerned school.

According to the petitioner, issue needs to be considered afresh by the concerned authority of the West Bengal Board of Secondary Education (for short, 'Board') based on the acquittal order dated 19th June, 2024.

The Board is represented by the learned advocate who submits that a report has been called for from the concerned District Inspector of Schools and it is also submitted that previously vide order dated 25th August, 2023 prayer of the petitioner to resume duty was refused.

Having considered the submissions made on behalf of the parties, it appears that no decision has been taken by the Board after the order of acquittal dated 19th June, 2024.

During course of hearing, on behalf of the petitioner much emphasize has been laid on the order of acquittal dated 19th June, 2024 wherein

it has been observed by the criminal court that the prosecution has failed to bring home the charge against the accused persons (petitioner being accused person no.1) and accordingly, prosecution case failed.

In view of the order of acquittal dated 19th June, 2024, the writ petition stands disposed of by directing the President of the Board to take reasoned decision on the prayer of the petitioner to resume duty as an Assistant Teacher of the concerned school in accordance with law after granting opportunity of hearing to the concerned school authority and the petitioner or their representatives by six weeks from the date of communication of this order. The decision to be taken shall be communicated to the petitioner by one week thereafter.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)

