

09.09.2024
Court No. 18
Item No. 14
(Suvendu)

WPA 21921 of 2024

Bijoy Das
-Versus-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
.....for the petitioner

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

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Ranjan Saha
.....for the State

Mr. Sharanya Chatterjee
Mr. A. Ghosh
.....for the respondent nos. 6 & 7

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

By presenting this writ petition, petitioner
has challenged suspension order dated 8th July,
2024 issued by the President, Ad hoc
Committee, West Bengal Board of Secondary
Education (for short, "Board").

Mr. Bhattacharya, learned advocate
representing the petitioner submits that since
petitioner has been enlarged on bail on 27th

June, 2024 in connection with Raniganj Police Station Case No. 205 of 2024 dated 22nd June, 2024 petitioner is entitled to resume duty being an Assistant Teacher of the school on the strength of the provisions as contained in Rule 6(3) of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-teaching Staff) Rules, 2018.

Learned advocates representing the school authority and Board have opposed the prayer of the petitioner and it is submitted that in terms of the provisions as contained in Rule 6(3) grant of bail in connection with a criminal case may be one of the considerations for revocation of suspension order subject to the condition that such resumption of duty by the teacher suspended will not hamper normal running of the institution. Therefore, according to the respondent authorities, whether resumption of duty of petitioner would affect normal function of the school or not that needs to be considered.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the President, Ad hoc Committee of the Board being respondent no. 5

to take decision on the representation of the petitioner dated 13th August, 2024 seeking revocation of suspension by four weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and school authority or their representatives. Reasoned decision to be passed by the respondent no. 5 shall be communicated to the petitioner and school authority within one week thereafter. Respondent no. 5 shall be at liberty to consider other relevant materials which are available at the time of taking such decision.

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.)