

09 30.09.2024
rkd Ct.18

W.P.A. 24328 of 2024

Sukla Banerjee & Anr.

-vs-

State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya

....for the petitioners.

Mr. Samiran Mandal,
Mr. Abhinaba Dan

....for the respondent no.5.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBSSE.

Mr. Santanu Mitra,
Ms. Anandamayi Ghosh

....for the State.

By presenting this writ petition petitioners have questioned memo dated 3rd February, 2023 issued by the disciplinary authority relating to disciplinary proceeding which was initiated by the West Bengal Board of Secondary Education against the Headmaster of Lodna Mankhamar Vivekananda Vidyamandir (H.S.), District- Bankura.

It has been submitted by Mr. Bhattachayya, learned advocate representing the petitioners that the disciplinary proceeding was initiated against the Headmaster being respondent no.5 based on their complaints and they are not satisfied with the outcome of the disciplinary proceeding initiated by

the Board against the said respondent no.5. Petitioners pray for appropriate direction for conducting further enquiry and passing fresh order against the respondent no.5.

Prayer of the petitioners is vehemently opposed by the learned advocates representing the respondent no.5 and the Board.

It has been submitted on behalf of the Board that the petitioners have no *locus standi* since both the petitioners were the members of erstwhile Managing Committee, tenure of which ended on 11th April, 2022. It is also submitted that after the decision was communicated by the disciplinary authority of the Board vide memo dated 3rd February, 2023 which was taken by the President of the Board on 21st January, 2023 the writ petition has been filed on 23rd September, 2024 i.e. precisely after one and half years from the date of passing final order by the President of the Board on concluding disciplinary proceeding.

The learned advocate representing the respondent no.5 submits that purposely the writ petition has been filed by the erstwhile two members of the Managing Committee since respondent no.5 is going to retire today i.e. 30th September, 2024 and any direction relating to

continuity of disciplinary proceeding or pendency of this writ petition would stall release of pensionary benefits in favour of the respondent no.5.

Having considered the submissions made on behalf of the parties, this Court finds substance in the submission made on behalf of the Board that two members who have instituted this writ petition are neither the present members of the Managing Committee nor they are today anyway associated with the said school authority. Both the petitioners were members of the Managing Committee, the term of which ended on 11th April, 2022.

In addition thereto, it further appears that based on the complaints lodged by the petitioners as it has been submitted by the learned advocate for the petitioners that final decision has been taken by the President of the Board far back on 21st January, 2023 and the same was communicated by the disciplinary authority of the Board vide memo dated 3rd February, 2023. It is submitted that the decision of the Board was communicated to the school authority not to the petitioners i.e. the reason for approaching this Court after such a long time.

Considering the situation from different angle, it appears that the Board did not commit

any mistake in communicating its decision to the present Managing Committee of the school. If petitioners would have been members of the present Managing Committee they would have known the fate of the disciplinary proceeding within due time; since they are not the present members of the Managing Committee perhaps they were not aware of the decision taken by the Board on conclusion of disciplinary proceeding.

Since petitioners are not the present members of the Present Managing Committee they do not have *locus standi* to maintain the writ petition.

Before parting with, it needs to be considered that the respondent no.5 is going to retire today i.e. 30th September, 2024 and any direction on this writ petition, if leads to initiation of fresh proceeding, against the respondent no.5 would stall release of retiral dues.

Court for the aforesaid reasons is not inclined to entertain this writ petition at the instance of two persons who are not the present members of the Managing Committee.

Accordingly, the writ petition stands dismissed.

However, 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.)