

05.11.2024
Court No. 18
Item No. 03
(**Suvendu**)

WPA 25664 of 2024

The Managing Committee, Behala High School,
represented by its President & Anr.

-Versus-

The State of West Bengal & Ors.

Mr. Soumen Kr. Dutta

Mr. Subhas Jana

.....for the petitioners

Ms. Koyeli Bhattacharyya

Mr. Bibek Dutta

Ms. Keya Panja

.....for the WBBSE

Mr. Samiran Mandal

Mr. Abhinaba Dan

.....for the respondent no.8

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

Grievance of the petitioners is against a
show-cause notice dated 19th September, 2024
issued by the Deputy Secretary (Disciplinary
Authority), West Bengal Board of Secondary
Education whereby one Pratip Kumar
Mukhopadhyay being Teacher-in-Charge of
Behala High School, Kolkata was directed to
respond within seven days from the date of
receipt of the said show-cause notice.

Mr. Dutta, learned advocate representing
the petitioners in course of hearing submits that

aforesaid Teacher-in-Charge gave reply dated 30th September, 2024 to the show-cause notice dated 19th September, 2024.

Learned advocate representing West Bengal Board of Secondary Education has submitted that based on enquiry report dated 29th July, 2024 prepared by the concerned District Inspector of Schools (SE) show-cause notice was issued on 19th September, 2024 against the Teacher-in-Charge of the aforesaid school and on receipt of such show-cause notice reply has been submitted on 30th September, 2024.

In addition thereto, maintainability of the writ petition has been questioned by the respondents since the writ petition is not only preferred by the said Teacher-in-Charge but the Managing Committee of Behala High School has also been arrayed as writ petitioner no. 1 in the cause-title.

This Court is at a loss as to how the Managing Committee of the school in question can prefer writ petition questioning the show-cause notice issued against the Teacher-in-Charge of the said school. If right of the said Teacher-in-Charge is infringed by issuance of show-cause notice in that event cause of action

warrants legal steps to be taken by the said Teacher-in-Charge himself not by the Managing Committee of the said school.

In addition thereto, this Court finds that on receipt of show-cause notice dated 19th September, 2024 the Teacher-in-Charge has submitted reply dated 30th September, 2024 addressed to the Deputy Secretary (Disciplinary Authority), West Bengal Board of Secondary Education. Furnishing reply to the said show-cause notice by the Teacher-in-Charge takes away his right to subsequently turn around and challenge the show-cause notice.

It needs to be recorded herein that the Board has formally initiated proceeding against the petitioner in terms of the relevant Rules and at the show-case stage this Court finds that the writ petition is premature.

In view of above discussion, this Court is not inclined to interfere with the steps taken by the Board as well as other respondent authorities and accordingly the writ petition stands dismissed.

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.)