

26.02.2024
Court No.13
Item No. 128
pk

WPA 27053 of 2023

**Rajib Kumar Jha
Vs.
State of West Bengal and others**

Mr. Srijib Chakraborty,
Mr. Aditya Mondal,
Mr. Pritam Roy,
Ms. Triparna Roy

... for the petitioner.

Mr. Pinaki Dhole,
Md. Ziaur Rahman

... for the State

Mr. Shamim ul Bari,
Ms. Asmita Mitra

... for the DPSC, Malda

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is aggrieved by prolonged period of suspension of more than four years starting from 12.12.2019.
3. Mr. Chakraborty, learned counsel for the petitioner places order dated 14th October, 2020 which is entitled an order but at the last paragraph indicates that charges have been framed under the conduct of teachers of Primary School Rules of 2001.
4. The order of suspension indicates that it has been issued not only pursuant to FIR registered against the petitioner but also for discrimination against teachers on the ground of caste and dereliction of duty, moral turpitude and physical assault on the S. I. of Schools on a

running vehicle. There are also allegations of defalcation of funds from mid day meal scheme.

5. The petitioner claims that the prolonged period of suspension has prejudiced not only him but also the school in question. The DPSC is paying the petitioner's subsistence allowance regularly.

6. This Court notes with anguish that the DPSC has not completed the departmental proceeding against the petitioner even after lapse of four years of his suspension and issuance of charge sheet.

7. The DPSC is therefore directed to complete the departmental proceedings against the petitioner positively within a period of three months from date.

8. In the facts and circumstances of the case, this Court is not inclined to interfere with the order of suspension at this stage.

9. The Secretary, School Education Department of the State shall look into the reasons for delay in the department enquiry against the writ petitioner and take appropriate steps in accordance with law. This Court notes that the subsistence allowance is being paid for a continuous period of four years to the petitioner in not completing enquiry. There is therefore a continuous loss to the State exchequer on account of the omission of the DPSC. The Registry shall communicate this order to Secretary, School Education Department of the State.

10. It is made clear that this Court has not entered into the merits of the charges against the petitioner. All questions are left open before the parties to be agitated in accordance with law before the appropriate forum.

11. With the aforesaid observations, the writ petition is disposed of.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)