

03-01-2024
AKG
Ct. 238

WPA 27941 of 2023
Babin Kumar Pattanaik
Vs.
State of West Bengal & Ors.

Mr. Moniruzzaman	...for the Petitioner
Mr. K. N. Nabi,	
Mr. Supriya Majumder	...for the State
Mr. Amitava Chaudhuri,	
Mr. N. Roy	...for Respondent Nos. 3 to 6

Petitioner is an Associate Professor at Sripat Singh College, Jiaganj, Murshidabad

It is the grievance of the petitioner that the college authority illegally suspended him from service by an order dated March 31, 2023 with effect from March 2, 2023.

It has been submitted by Mr. Moniruzzaman, learned advocate appearing for the petitioner that the suspension is a punishment in terms of the West Bengal College Teachers (Security of Service) Act, 1975 and without initiating any disciplinary proceedings against the petitioner, simply, on the ground of pendency of a criminal case, the petitioner has been suspended.

Mr. Moniruzzaman submits that the petitioner cannot remain in suspension unnecessarily and the college authority is bound to review the suspension from time to time and revoke it accordingly.

Mr. Amitava Chaudhuri, learned advocate appearing on behalf of respondent nos. 3 to 6 on the other hand submits that the petitioner has been suspended in terms of Section 11 of the West Bengal College Teachers (Security of Service) Act, 1975. He further submits that the petitioner is being provided with the suspension allowances in terms of Section 11 (3) of the aforesaid Act of 1975.

It appears that a criminal case was initiated against the petitioner by a lady teacher of a Secondary High School following which an F.I.R. was registered against the petitioner under Sections 417/376 of the Indian Penal Code by the relevant police station. It is also an admitted position that a charge-sheet has also been submitted before this Court against the petitioner following the F.I.R..

A suspension order is liable to be interfered with, if it continues unnecessarily for an indefinite period.

In the present case, it cannot be said that the petitioner is under a prolonged suspension.

The trial against the petitioner shall commence soon. At this juncture, I am not inclined to interfere with the suspension order having regard to the statutory scheme of the West Bengal College Teachers (Security of Service) Act, 1975.

I, however, make it clear that if the criminal case against the petitioner is not concluded within a

reasonable period of time, the petitioner will be at liberty to challenge his suspension order before this Court notwithstanding any observations made in this matter.

WPA 27941 of 2023 is accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)