

Item No.38
11.06.2024
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1079 of 2024

Amit Gautam
VS
Union of India & Ors.

Mr. Deborshi Dhar

...for the Petitioner.

*Mr. Sudipto Kumar Mazumdar,
Mr. Ajoy Kumar Singhania*

...for the Respondents.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner seeks expeditious disposal of an appeal allegedly preferred from an order dated September 29, 2023 passed by the Chairman, BSF, Senior Secondary Residential School, Kadamtala.

It is contended by the petitioner that an appeal was preferred before the Inspector General (Administration), FHQ BSF. The petitioner contends that the Chairman, BSF, Senior Secondary Residential School was the highest authority under the Code and only the respondent no.2 could sit in an appeal over the order of termination. Accordingly, the appeal was preferred and the appeal has been kept pending since long.

Mr. Singhania, learned advocate appearing on behalf of the respondents relies on Clause 15.16 of the Code and submits that the decision was already taken by the Chairman, BSF, Senior Secondary Residential School, Kadamtala and as such, the respondent no.2 would not be the appellate authority. There was no provision of appeal under the Education Code.

Mr. Dhar's contention that Clause 16.7(xx) talks about an appeal, is refuted by Mr. Singhania. *Prima facie*, it appears from Clause 15.16 of the said Code that a separate provision has been made to deal with sexual harassment cases and the regular procedure of the Code is not applicable.

However, the petitioner cannot be rendered remediless and there must be an avenue for the petitioner to challenge the order of termination.

Thus, liberty is granted to the petitioner to challenge the order of termination before the appropriate forum in accordance law. All points are kept open to be urged by the parties, including maintainability of any proceeding that the petitioner may initiate.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)