

18 13.03.2025
rkd Ct.18

W.P.A. 805 of 2025

Gobinda Majhi

-vs-

The State of West Bengal & Ors.

Mr. Samim Ahammed,
Mr. Arka Ranjan Bhattacharya,
Mr. Anirudh Singh,
Ms. Gulsanwara Singh

....for the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

Mr. Arpan Guha,
Mr. Abhilash Chatterjee,
Mr. Saikat Dey

....for the school authority.

In terms of the order dated 17th January, 2025 learned advocate representing the West Bengal Board of Secondary Education has produced copy of the suspension order dated 15th January, 2021 before this Court and same is taken on record.

Petitioner by presenting this writ petition has prayed for lifting of suspension order since it is submitted by Mr. Ahmmed learned advocate that after such suspension order was issued on 15th January, 2021 no disciplinary proceeding was initiated by issuance of charge-sheet.

According to the petitioner in absence of initiation of disciplinary proceeding against the petitioner he should have been permitted to resume duty even though criminal proceeding is pending against him.

It is also contended that suspension order cannot survive beyond a specified time in the event charge-sheet is not issued.

Ms. Bhattacharyya, learned advocate representing the Board has submitted on instruction that no disciplinary proceeding has been initiated against the petitioner and Board is awaiting report from the concerned District Inspector of Schools (SE), South 24 Parganas.

In view of submissions made on behalf of the parties this Court finds no useful purpose will be subserved in keeping this writ petition pending.

The President, West Bengal Board of Secondary Education is directed to decide whether the suspension order passed against the petitioner on 15th January, 2021 shall continue or to be withdrawn.

A reasoned decision shall be taken by the President of the Board within a period of eight weeks from the date of communication of this order after granting opportunity of hearing to the

petitioner, school authority and the District Inspector of Schools or his representative.

The President shall also be at liberty to obtain necessary report from the District Inspector of Schools before taking such decision.

The decision to be taken by the President shall be communicated to the petitioner by seven days thereafter.

Leave is granted to the learned advocate for the petitioner to amend cause title and implead President, West Bengal Board of Secondary Education as additional respondent by 18th March, 2025. Service of notice upon the additional respondent stands dispensed with since Board is represented by learned advocate.

The writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)