

W.P.A. 987 of 2024

**Sreemoyee Dutta
Vs.
The State of West Bengal & Ors.**

Mr. Anjan Bhattacharya
Ms. Sutapa Dutta
Mr. Saibal Krishna Dasgupta
Ms. Anita Shaw
...for the petitioner

Mr. Saptansu Basu
Ms. Debapriya Gupta
...for the respondent nos. 4 to 6

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mondal
...for the State

Supplementary affidavit filed on behalf of the petitioner is taken on record. In the supplementary affidavit enquiry notice dated 25th February, 2025 is annexed at page 4 whereby date of enquiry has been fixed first on 6th March, 2025 and subsequently on 11th March, 2025. It is submitted on behalf of the authority of Balika Siksha Sadan, Kolkata (hereinafter referred to as “said school”) that due to pendency of this writ petition enquiry was adjourned on 6th March, 2025 and the next date of enquiry is fixed on 11th March, 2025.

Mr. Anjan Bhattacharya, learned advocate representing the petitioner has questioned initiation of disciplinary proceedings against the

petitioner and holding of enquiry based on show cause notice dated 16th March, 2022 issued by the Secretary of the said school. It is submitted that no charge sheet has been issued against the petitioner after reply to show cause notice was furnished by the petitioner vide letter dated 23rd March, 2022. It is also contended that relevant documents in support of the allegations against the petitioner have not been supplied to her. Therefore, she would not be able to defend her case before the enquiry officer if at this premature stage enquiry is conducted.

Mr. Saptansu Basu, learned senior advocate representing the said school authority has submitted that the said school is a recognized institution and the petitioner is an unapproved teacher of the said school. In addition thereto, it is submitted that letter dated 16th March, 2022 may also be considered as charge sheet since allegations against the petitioner are narrated in the said letter. Therefore, no formal charge sheet is required to be issued against her.

However, in the same breath it is submitted that if Court finds that no formal charge sheet is issued against the petitioner said school authority can issue charge sheet against the petitioner within certain time prior to initiation of

disciplinary proceedings in the event it is found on receipt of reply to the charge sheet from the petitioner it is an appropriate case where enquiry is required to be conducted.

On consideration of the submissions made on behalf of the parties it appears that the school is in receipt of Dearness Allowance from the State authorities. Therefore, the school authority is required to take appropriate steps in accordance with law in the matter of initiation of disciplinary proceedings against teaching and non teaching staff of the school.

Court finds submission is made on behalf of the said school authority that if this Court is not satisfied with regard to the steps taken by the said school authority for holding enquiry on issuance of enquiry notice dated 25th February, 2025 based on letter dated 16th March, 2022 then the said school authority is ready to issue formal charge sheet against the petitioner.

On perusal of the letter dated 16th March, 2022 it appears that it is not a charge sheet rather show cause notice and the said school authority has also termed the same as show cause in the subsequent letter dated 29th December, 2023 which is at page 36 of the writ petition. Therefore, issuance of enquiry notice

dated 25th February, 2025 fixing date of enquiry based on show cause letter dated 16th March, 2022 is found to be inappropriate steps taken by the said school authority.

If the said school authority finds it a fit case to initiate proceedings against the petitioner, the said school authority shall be at liberty to take steps in accordance with law upon issuance of formal charge sheet and supplying of relevant documents along with the charge sheet to the petitioner so that petitioner can get due opportunity to defend her case before the enquiry officer.

The enquiry notice dated 25th February, 2025 stands set aside.

With the aforesaid observation the writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)