

W.P.A. 2571 of 2024
IA No. CAN 1 of 2024

Ajoy Kumar Yadav
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw
...for the petitioner

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
...for the State

Mr. Sunny Nandy
Ms. Oindrila Ghosal
...for the respondent no. 6

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
...for the Board

Mr. Ranajit Chatterjee
Mr. Aniruddha Mitra
,,,for the respondent no. 10

Affidavit of service filed on behalf of the
petitioner is taken on record.

Subject matter of challenge centers around
suspension order dated 13th July, 2022 and on
perusal of the said order it appears that said
suspension order was issued by the President,
Ad-hoc Committee of the West Bengal Board of
Secondary Education in contemplation of
disciplinary proceedings.

During course of hearing order passed by a
coordinate Bench dated 11th May, 2022 and

subsequent orders passed by the Hon'ble Division Bench on an intra Court appeal being MAT 771 of 2022 dated 26th May, 2022 and 19th July, 2023 are placed before this Court. From the final order passed by the Hon'ble Division Bench on 19th July, 2023 it appears that an observation has been made therein granting leave to the Board to initiate disciplinary proceedings independently not being influenced by the order passed by the coordinate Bench on 11th May, 2022 and the orders of the Appellate Court would not stand in the way if proceeding is ultimately initiated against the petitioner. An order was passed by the Secretary of the Board on 10th June, 2022 wherein it was found by the Secretary that there was gross negligence on the part of the petitioner in sanctioning leave in favour of one assistant teacher of the school resulting in denial of monetary benefits. Consequently, it was decided by the Secretary that disciplinary proceedings would be initiated against the petitioner as per extant rules. Subsequently, petitioner was placed under suspension in terms of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching staff) Rules, 2018 in contemplation of disciplinary proceeding since it

was found by the Board that presence of the headmaster in the school would likely to prejudice drawal of proceedings. Said order of suspension dated 13th July, 2022 is subject matter of challenge in the present writ petition.

An application being CAN 1 of 2024 is taken out in order to place reliance on a note dated 24th August, 2024 issued by the Principal Secretary wherein it was intimated to the disciplinary authorities that there is requirement to review suspension orders in regular intervals in order to find out whether such suspension orders are unnecessarily operating or not.

Ms. Bhattacharya, learned advocate representing the Board has submitted that pursuant to the suspension order dated 13th July, 2022 disciplinary proceeding was initiated against the petitioner on issuance of charge sheet and enquiry is concluded thereafter enquiry report has also been furnished. Concerned authority of the Board is taking steps for concluding the disciplinary proceedings at an early date by passing final order.

In view of the submissions made on behalf of the parties and taking note of the suspension order dated 13th July, 2022 qua note issued by the Principal Secretary dated 29th August, 2024

this Court finds it is not a fit case where at this stage Board should be directed to withdraw the suspension order. Based on suspension order dated 13th July, 2022 disciplinary proceeding was initiated on issuance of charge sheet and enquiry conducted by the enquiry officer is already complete. Disciplinary authority of the Board is contemplating to take further steps to conclude the disciplinary proceedings by issuing final order.

In view of aforesaid discussion prayer of the petitioner to withdraw or set aside the suspension order dated 13th July, 2022 stands refused.

Writ petition stands dismissed.

Application being CAN 1 of 2024 also stands dismissed.

However, this order shall not preclude the concerned authority of the Board to conclude the proceedings at an early date.

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

(Saugata Bhattacharyya, J.)