

12.03.2025
Court No. 18
Item No. 02
(Suvendu)

WPA 2697 of 2025

**The Managing Committee of
Maharajahat High School & Ors.
-Versus-**

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya
Mr. Rezaul Hossain
Mr. Parvez Hossain
.....for the petitioners

Mr. Santanu Kumar Mitra
Ms. Anandamayee Ghosh
.....for the State

Mr. Anirban Das
.....for the respondent no.8

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

Mr. Anirban Saha
.....for the respondent no. 7

In terms of order dated 4th March, 2025,
report is filed by the District Inspector of Schools
(SE), Uttar Dinajpur dated 6th March, 2025 and
same is taken on record.

From the said report, it appears that
respondent no. 8 has resumed duty as
Headmaster of Maharajahat High School (HS),
Uttar Dinajpur (hereinafter referred to as “said

school”) on 5th March, 2025. It is also indicated in the report dated 6th March, 2025 that post of Headmaster of Baghan Kalitola Vidyapith (HS), Uttar Dinajpur is lying vacant.

Mr. Bhattacharyya, learned advocate representing the petitioners submits that on conclusion of disciplinary proceeding against respondent no. 8 an order of punishment was passed on 25th November, 2024 thereby two increments were withheld and benefits of Career Advancement Scheme were stopped. However, it is submitted that respondent no. 8 was resisted by some local persons from resuming duty from 26th November, 2024 which prompted the authority of said school to approach this Court with the present writ petition for giving effect to transfer order dated 5th November, 2021 which was issued by the concerned authority of West Bengal Board of Secondary Education based on transfer application made by respondent no. 8.

Petitioners pray for implementation of transfer order dated 5th November, 2021 by transferring respondent no. 8 from the said school to Baghan Kalitola Vidyapith (HS), Uttar Dinajpur.

Learned advocate representing respondent no. 8 submits that though respondent no. 8 resumed duty as Headmaster of the said school on and from 5th March, 2025 but charge was not made over to him by the Teacher-in-Charge of the said school. It is also submitted that in spite of his repeated endeavour to join the said school as Headmaster after final order was passed on concluding disciplinary proceeding on 25th November, 2024, he was prevented from resuming duty by the said school authority as well as some local thugs. Respondent no. 8 prays for regularization of the period from 26th November, 2024 till 4th March, 2025, otherwise he would be prejudiced.

State respondents and West Bengal Board of Secondary Education are represented by learned advocates and it is jointly submitted that due to pendency of disciplinary proceeding against the petitioner transfer order dated 5th November, 2021 could not be given effect to but now there is no predicament in transferring the petitioner from said school to Baghan Kalitola Vidyapith (HS), Uttar Dinajpur.

In view of the respective submissions made on behalf of the parties and taking note of the fact that transfer order was passed on 5th November, 2021 based on transfer application made by respondent no. 8, respondent no. 8 shall join the post of Headmaster in Baghan Kalitola Vidyapith (HS), Uttar Dinajpur by 24th March, 2025 on compliance of necessary formalities. The authority of Maharajahat High School (HS), Uttar Dinajpur is directed to issue release order and hand over Service Book as well as Provident Fund Statement to respondent no. 8 at the time of releasing him.

It further appears that no fault is attributable to respondent no. 8 for not resuming duty on and from 26th November, 2024 till he was permitted to resume duty as Headmaster on 5th March, 2025 pursuant to the order passed by this Court on 4th March, 2025.

It needs to be taken into consideration that present writ petition has been instituted by said school authority for transfer of respondent no. 8 from said school to another school which goes to show that said school authority does not want respondent no. 8 to function as

Headmaster of said school. Therefore, the period from 26th November, 2024 till 4th March, 2025 when respondent no.8 could not work as Headmaster of said school shall be regularized by the District Inspector of Schools (SE), Uttar Dinajpur by passing necessary order within a period of four weeks after respondent no. 8 joins the transferred post.

With the above observations and direction, writ petition stands disposed of.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)