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04.03.2025
Ct. No. 18
adeb

W.P.A. 3199 of 2025

**Nirmalendu Bikas Bairy
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Deblina Chakraborty

...for the petitioner

Mr. Supriyo Chattopadhyay
Mr. Suman Dey

....for the State

Ms. Usha Maiti
Mr. Sakya Maiti

...for the respondent no. 5

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

...for the Board

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

In the writ petition Assistant Headmaster of
Keranitola Shree Shree Mohananda Vidyamandir
(HS), Paschim Mednipur (hereinafter referred to
as 'said school') has questioned authority of
headmaster of said school to issue show cause
notice dated 18th February, 2021 against him and
it has been submitted that in terms of West
Bengal Board of Secondary Education
(Appointment, Confirmation, Conduct and
Discipline of Teachers and Non-Teaching staff)
Rules, 2018 authority to issue show cause notice

against teaching and non teaching staff of Government aided secondary school lies with the concerned authority of the West Bengal Board of Secondary Education. It is also submitted that there is a long pending dispute in between the petitioner being the assistant headmaster and respondent no. 5 being the present headmaster of the said school relating to handing over of charge at the time of joining of respondent no. 5 as headmaster of the said school in 2019.

Complaints were lodged by the petitioner as well as respondent no. 5 against each other and taking note of one of such complaint and complaints lodged by one erstwhile assistant teacher of the school concerned authority of the Board initiated disciplinary proceeding against respondent no. 5 which was culminated into an order of punishment dated 21st June, 2024 thereby withholding three annual increments against the respondent no. 5.

Therefore, it appears that the concern which has been expressed on behalf of the petitioner today that he lodged certain complaints due to alleged misdeeds of the respondent no. 5 was not taken into consideration is found to be not correct and an appropriate proceeding was

initiated against respondent no. 5 and an order of punishment was issued against him.

However, it is submitted on behalf of respondent no. 5 that an appeal is pending wherein order of punishment dated 21st June, 2024 is questioned.

Today, in the context of present writ petition this Court is required to find out whether show cause notice dated 18th February, 2021 shall survive or not. It is submitted on behalf of the Board that in terms of relevant provisions of West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching staff) Rules, 2018 headmaster of school is not authorized to issue show cause notice against teaching and non teaching staff of the school. Headmaster can intimate concerned authority of the Board as well as District Inspector of Schools (SE) for taking appropriate action against teaching and non teaching staff in the event it is found expedient by those authorities.

Therefore, show cause notice dated 18th February, 2021 issued by respondent no. 5 is found to be without jurisdiction.

Hence, the show cause notice dated 18th February, 2021 is set aside.

Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)