

02.07.2025
SI No.13
Court No.8
(gc)

**MAT 496 of 2024
CAN 1 of 2024**

**The West Bengal Board of Secondary Education
Vs.
Sunita Sharma & Ors.**

Mrs. Koyeli Bhattacharyya
...for the Appellant/WBBSE.
Mr. R. Chatterjee,
Mr. A. Mitra
...for the Writ Petitioner/
Respondent No.1.
Mr. Bhaskar Prasad Vaisya, Ld. A.G.P.,
Mr. Suman Dey
...for the State.

Soumen Sen, J. (Oral):

1. The appeal is at the instance of the West Bengal Board of Secondary Education. The learned Counsel appearing for the Board has submitted that the reason for imposition of cost of Rs.1 crore upon the Board is untenable.
2. Having regard to the fact that the suspension order dated 13th July, 2022 whereby the earlier order of suspension dated 25th May, 2022 was forwarded to the D.I. of Schools (S.E.), Hooghly, the Headmaster and the Assistant Secretary (Law), WBBSE, our attention is drawn to the postal receipts bearing Memo No.DA/288/22 to show that the suspension order was despatched to the authorities named in the Memo No.DA/288/22 dated 1st August, 2022. It appears that the suspension order was

despatched on 3rd August, 2022 and denial of the Headmaster for not receiving the said suspension order is a clear afterthought as the letter was addressed to the addressee at his last known address and the law presumes such service to be valid in law unless such presumption is rebutted by cogent evidence. The Court should accept service of notice upon the addressee.

3. On such consideration, we set aside the order directing imposition of cost of Rs.1 crore upon the West Bengal Board of Secondary Education.
4. We have been informed that the other directions of the learned Single Judge have been complied with.
5. We have also been informed that the disciplinary proceeding is at the final stage and would be concluded within a short time.
6. Accordingly, the appeal and the application are disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)