

24-11-2025
Item No.10
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.8434 of 2024

Rinku Das

-vs-

State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Hasanuz Zaman Molla
Ms. Ankita Ghosh ...for the petitioner

Ms. Koyeli Bhattacharya ...for WBBSE

1. The petitioner was serving as an assistant teacher in a school. On detection of certain illegalities committed by her a complaint was lodged before the police. She was taken in custody and released on bail on February 8, 2022. The petitioner was put under suspension by the school. After her release, she sought for joining the school.
2. By a communication of the West Bengal Board of Secondary Education dated September 14, 2022, the Board opined that the presence of the petitioner to resume her duty in the school would be detrimental for the institution. The Board has not reviewed its position till date. The petitioner is still under suspension and receiving subsistence allowance.
3. It has been submitted that in terms of the West Bengal Board of Secondary Education (Appointment, Confirmation, etc.) Rules, 2018, no disciplinary proceeding has yet been initiated against the petitioner. Prayer has been made to

permit the petitioner to rejoin the school.

4. Such submission is opposed by the learned counsel representing the Board. It has been submitted that on the date of the incident, the petitioner was serving as the teacher-in-charge of the school. Allegation against her is in relation to selling of bicycles meant for the *Sabuj Sathi* scheme.
5. The Board requested the concerned District Magistrate to conduct an inquiry and furnish a report. Despite reminders no inquiry report has been forwarded by the District Magistrate to the Board till date. For want of an inquiry report from the District Magistrate, the Board is not in a position to initiate disciplinary proceeding against the petitioner.
6. It has been submitted that necessary direction may be passed upon the District Magistrate to conduct an inquiry and forward the report to the Board for initiating disciplinary proceeding in the matter.
7. Rule 6 of the West Bengal Board of Secondary Education (Appointment, Confirmation, etc.) Rules, 2018 have been placed before this Court. The same relates to suspension.
8. Rule 6(2) of the said Rules specifies that in all cases of suspension, a disciplinary proceeding is to be drawn and concluded as required under the Rules.
9. Rule 6(3) of the 2018 Rules stipulates that if the disciplinary proceeding is not initiated or completed within ninety days from the date of receipt of investigation report or if a teacher or a non-teaching staff has been released on bail, the concerned employee may be allowed to resume

his/her duty subject to the condition that such joining will not hamper the normal functioning of the institution.

10. In the instant case, it appears that disciplinary proceeding has not yet been drawn against the petitioner. She has already been released on bail. On the date of the incident, the petitioner was serving as the teacher-in-charge of the school and she had the scope to take a decision in the matters relating to the beneficial schemes floated by the Government.
11. As the petitioner is no longer serving as the teacher-in-charge, she may not be in a position to interfere with the day-to-day functioning and the affairs of the school. She is receiving her subsistence allowance without performing any work for a considerable period of time. More than three years have elapsed from the date of her release on bail.
12. As the Board was of the opinion that her resumption in school may be detrimental for the institution, accordingly, the Court thinks it fit to direct the Board to review the issue all over again. If the Board is still of the considered opinion that the presence of the petitioner will hamper the normal running of the institution, then the same may be formally communicated to her.
13. If the Board finds that her presence will not interfere with the normal functioning of the institution and that the same will not be detrimental to the school and the students, then the Board may revoke the suspension of the petitioner and permit her to join the school.
14. A decision shall be taken by the Board at the

earliest, but positively within a period of sixty days from the date of communication of this order.

15. The writ petition stands disposed of.
16. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
17. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]