

10.07.2025
Court No. 18
Item No. 102
(Suvendu)

WPA 11580 of 2025

Dwipendra Narayan Das
-Versus-

The State of West Bengal & Ors.

Mr. Aditya Chakraborty
Ms. Chaitali Mukhopadhyay
.....for the petitioner

Mr. Gourav Das
....for the DPSC, South 24 Parganas

Ms. Ashima Das (Sil)
.....for the State

1) Matter is heard in presence of learned advocates representing the petitioner and District Primary School Council, South 24 Parganas.

2) It is submitted by learned advocate representing the petitioner that petitioner was implicated in a criminal case being Kulpi P.S. Case No. 124 dated 15th May, 2010 for defalcation of fund. However, criminal proceeding was culminated into an order of acquittal vide judgment dated 5th September, 2023 passed by learned Additional District & Sessions Judge, 7th Court, Alipore, South 24 Parganas. It is contended that no formal disciplinary proceeding was initiated against the petitioner and action taken against the petitioner

thereby not permitting him to resume duty entirely rests on result of criminal proceeding. After judgment was delivered on 5th September, 2023 thereby acquitting the petitioner, petitioner is entitled to resume duty as it is submitted on behalf of the petitioner.

3) Mr. Das, learned advocate representing District Primary School Council, South 24 Parganas has made submission based on order dated 19th January, 2015 passed by the Chairman, District Primary School Council, South 24 Parganas being respondent no. 4. It is submitted that order was passed by respondent no. 4 far back on 19th January, 2015 but contemporaneously said order was not challenged.

4) However, on perusal of the order dated 19th January, 2015, it appears that the order was not conclusive rather issue was referred to the disciplinary committee for future action. It is submitted on behalf of District Primary School Council, South 24 Parganas that no subsequent steps were taken by the disciplinary committee against the petitioner due to pendency of criminal proceeding against him.

5) Since criminal proceeding has culminated into order of acquittal as it appears from the

judgment dated 5th September, 2023, respondent no. 4 is directed to take final decision relating to service of the petitioner keeping in view of the fact that no formal proceeding has been drawn up against the petitioner in terms of the relevant service rules. Respondent no. 4 is directed to take such decision within a period of four weeks from date of communication of this order after giving opportunity of hearing to the petitioner. Decision to be taken by respondent no. 4 shall be communicated to petitioner by ten days thereafter.

- 6) Writ petition stands disposed of.
- 7) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)