

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

18
rkd 25.06.2025
Ct.18
Judgment

W.P.A. 12086 of 2025

Devdulal Pradhan

-vs-

State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Payel Shome,
Mr. Saikat Mallick,
Mr. Mainak Ghosal

....for the petitioner.

Mr. Falguni Bandyapaddyay,
Mr. Jagadish Chandra Halder

....for respondent nos.8 & 9.

Mr. Malay Kumar De,
Ms. Rinku Sen

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner being Group-D staff of Vivekananda Vidyaniketan (Junior High School), South 24 Parganas (hereinafter referred to as “said school”) has prayed for a direction which would permit the petitioner to join the post and function as Group-D staff.
3. It is also submitted that petitioner has not been formally suspended by the concerned authority of the West Bengal Board of Secondary Education.

Therefore, he is entitled to receive salary which is not being paid by the respondent authorities.

4. Submission made on behalf of the petitioner is disputed by the learned advocate representing the said school authority. It is submitted that petitioner is habitual absentee and there was no prevention by the school authority, therefore, it is open to the petitioner to work as Group-D staff of this school.
5. Considering habitual absence of the petitioner a charge-sheet has been issued by the concerned authority of the West Bengal Board of Secondary Education on 18th February, 2025 in contemplation of disciplinary proceeding.
6. Ms. Bhattacharyya, learned advocate representing West Bengal Board of Secondary Education submits that soon steps would be taken to conclude the proceeding by holding enquiry.
7. Having considered the respective submissions made on behalf of the parties, this Court finds since there is no formal order of suspension issued against the petitioner, petitioner shall be at leave to resume duty as Group-D staff pending final outcome of the disciplinary proceeding.
8. If petitioner comes to school and wants to work, said school authority is directed to permit the

petitioner.

9. Concerned respondent authorities are also directed to pay salary of the petitioner, if same is payable in accordance with law.
10. Concerned authority of West Bengal Board of Secondary Education is directed to conclude the disciplinary proceeding at an early date but not later than six months from the date of communication of this order.
11. Writ petition stands disposed of.
12. There shall be, however, no order as to costs.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)