

Form No. J(2)
Item No. DL / 1
adeb

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. NO 14474 of 2024
IA No. CAN 1 of 2024, CAN 2 of 2025, CAN 3 of 2025,
CAN 4 of 2025

DR. SYED IMTIAZ AHMED
VS.
THE STATE OF WEST BENGAL & OTHERS

For the Petitioner	: Mr. Syed Arif Ahmed
For the State (Application No. 1 of 2024)	: Mr. Vimal Kumar Shahi, Ld. AGP Mr. Monoj Mondal Ms. Sabnam De Barman
For the State (WPA 14474 of 2024)	: Mr. Biswabrata Basu Mallick Mr. Tamal Taru Panda
For the WBBSE	: Ms. Koyeli Bhattacharyya
For the School Authority	: Mr. Suman Dey
Heard On	: 11.11.2025
Judgment On	: 11.11.2025

SAUGATA BHATTACHARYYA, J.:

1. Writ petition was assigned by the Hon'ble Justice Soumen Sen the then Acting Chief Justice vide order dated 17th September, 2025 to this Court and is accordingly placed in today's supplementary list for consideration.
2. Writ petition and the connected applications are heard in presence of the learned advocates representing the parties.
3. In the writ petition, petitioner being Headmaster of Balarampur M.N. Vidyamandir (HS), South 24 Parganas (hereinafter referred to as 'said school') prayed for revocation of suspension order dated 30th January, 2024.
4. During pendency of this writ petition final order in connection with disciplinary proceeding initiated against the petitioner was passed on 25th July, 2025 by the President, West Bengal Board of Secondary Education (for short 'Board') thereby imposing punishment of compulsory retirement with appropriate rate of pensionary benefit upon the petitioner.
5. Final order of punishment dated 25th July, 2025 is brought on record by preferring an application being CAN 4 of 2025. Petitioner prays for issuance of mandamus and to set aside final order of punishment

dated 25th July, 2025 as well as revocation of suspension order dated 30th January, 2024.

6. In the writ petition issue is confined to suspension order dated 30th January, 2024 and prayer was made for revocation of the same. Before disposal of the writ petition when final order in connection with disciplinary proceeding is passed by the President of the Board on 25th July, 2025 that leads to fresh cause of action requiring filing of separate writ petition to question order dated 25th July, 2025. The writ petition which is confined to suspension order and revocation of same, scope of such writ petition cannot be enlarged to examine the validity of the final order of punishment dated 25th July, 2025.
7. Order dated 25th July, 2025 of the President of the Board is passed in terms of Rule 9(2) of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching staff) Rules, 2018 (hereinafter referred to as 'said Rules of 2018') which is an appealable order under Rule 10 of the said Rules of 2018. Commissioner of School Education, West Bengal is the appellate authority under Rule 2 of the said Rules of 2018. Therefore, petitioner is required to prefer appeal in terms of Rule 10 of said Rules of 2018 before the Commissioner of School Education.
8. However, on perusal of Rule 10(2) it appears that appellant is required to prefer appeal within 3 (three) months from the date of receipt of final

order but in the instant case President of Board passed final order on 25th July, 2025 and time stipulated to prefer appeal has expired.

9. It needs to be taken into consideration that petitioner in connection with pending writ petition filed an application being CAN 4 of 2025 on 9th September, 2025 in order to question said order dated 25th July, 2025, which is within 3 (three) months from the date of receipt of order dated 25th July, 2025. Therefore, provision to Rule 10(2) is attracted and delay in preferring appeal in terms of Rule 10 needs to be condoned by the appellate authority in the event petitioner prefers appeal against order dated 25th July, 2025 within a period of fortnight from date. If appeal is preferred within the aforesaid time appellate authority shall dispose of the same by 90 (ninety) days from the date of presentation of the appeal and decision to be communicated to the petitioner by fortnight thereafter.
10. Writ petition and the connected applications are disposed of.
11. However, there shall be no order as to costs.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)