

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

W.P.A. 2585 OF 2024

SIKHA SARKAR
VS.
THE STATE OF WEST BENGAL & OTHERS

WITH

W.P.A. 17945 OF 2019

SIKHA SARKAR
VS.
THE STATE OF WEST BENGAL & OTHERS

Mr. Ekramul Bari, Adv.
Mr. SK. Intiaj Uddin, Adv.
Mr. Alauddin Ahmed, Adv.
...for the Petitioner

Mr. Ziaul Haque, Adv.
...for the State
(In WPA 2585 of 2024)

Ms. Koyeli Bhattacharyya, Adv.
Mr. Bibek Dutta, Adv.
...for the W.B.B.S.E.
(In WPA 2585 of 2024)

Mr. Udayan Datta, Adv.
...for the School Authority

1. Two writ petitions are considered today in presence of the learned advocates representing the parties.
2. In one writ petition being WPA 2585 of 2024 petitioner has prayed for releasing retiral dues including pension as petitioner retired on superannuation on 31st December, 2020 from the post of Headmistress in New Barrackpore Colony Girls' High School, North 24 Parganas. In another writ petition being WPA 17945 of 2019 petitioner has

questioned show-cause notice dated 17th February, 2018 and charge-sheet dated 29th May, 2019, which were issued against the petitioner.

3. Taking note of the fact that in spite of issuance of charge-sheet dated 29th May, 2019 disciplinary proceeding was not concluded as a result whereof retiral dues of the petitioner were withheld, this Court *vide* order dated 7th August, 2025 passed in WPA 2585 of 2024 directed the Secretary of the West Bengal Board of Secondary Education (for short, 'Board') to file a report in the form of affidavit disclosing whether disciplinary authority abandoned proceeding against the petitioner or not due to efflux of time.
4. Pursuant to the order dated 7th August, 2025, a report in the form of affidavit affirmed on 2nd September, 2025 is filed today on behalf of the Board and same is taken on record.
5. On perusal of the said report it appears that Deputy Secretary (Administration) of the Board *vide* memo dated 19th August, 2025 appointed District Inspector of Schools (S.E.), North 24 Parganas, Barasat as Inquiring Officer and Head of the Institution of New Barrackpore Colony Girls' High School as Presenting Officer.

6. Learned advocate representing the Board has prayed for some time to conclude the disciplinary proceeding against the petitioner in view of issuance of memo dated 19th August, 2025 whereby Deputy Secretary (Administration) of the Board has appointed new Inquiring Officer and Presenting Officer for conclusion of the disciplinary proceeding.
7. Having considered the report filed on behalf of the Board and taking note of the memo dated 19th August, 2025 Board is granted six (6) months time from date to conclude disciplinary proceeding against the petitioner failing which respondent authorities shall take necessary steps, in accordance with law, for settling pension case of the petitioner.
8. However, it is made clear that during course of enquiry petitioner shall not pray for any adjournment excepting the reasons which are beyond the control of the petitioner and shall co-operate with the Inquiring Officer for taking the proceeding to its logical conclusion within the time fixed by this Court today.
9. Subject to final result of the disciplinary proceeding, State respondents are directed to release provisional pension in favour of the petitioner within a period of

four (4) weeks from the date of communication of this order.

10. With the aforesaid directions and observations writ petition being WPA 2585 of 2024 stands disposed of.
11. Petitioner in the writ petition being WPA 17945 of 2019 has questioned show-cause notice dated 17th February, 2018 and charge-sheet dated 29th May, 2019 but it is not demonstrated that the authorities who issued show-cause notice and charge-sheet, are neither empowered to take such steps nor any case of *mala fide* is made out. Therefore, at this stage, Court is not inclined to interfere with the show-cause notice dated 17th February, 2018 and charge-sheet dated 29th May, 2019.
12. Hence, the writ petition being WPA 17945 of 2019 stands dismissed.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)