

10.09.2025
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MAT 1403 of 2025
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IA No.: CAN 1 of 2025 [Stay]
Gargi Talukdar
– *Versus* –
The State of West Bengal & Others

Mr. Anjan Bhattacharya,
Ms. Anita Shaw,
Ms. Seema Thakur
.... for the Appellant.

Mr. Anand Farmania (through V.C.),
Ms. Indumouli Banerjee
.... for the State/Respondents.

Mr. Suman Dey
.... for the School Authorities.

Affidavit-of-service, as filed, be kept on record.

The appeal is from an order passed by the learned single Judge on 18th August, 2025 disposing of the writ petition, being WPA 1458 of 2024 with certain directions.

The writ petitioner/appellant herein had filed the writ petition seeking *inter alia* a limited relief that as a Headmistress of Debipur Karunamoyee Balika Vidyayatan, South 24-Parganas (hereinafter referred to as the said school) she was not permitted to enter the premises of the said school, pursuant to an untoward incident, which occurred on 6th January, 2024. She filed the writ petition seeking transfer to some other school and for police assistance to enable her to attend to her duties as the Headmistress of the said school.

Initially by an order dated 5th August, 2025 the learned single Judge had observed in paragraph 6 as follows:

‘6. There is nothing on record which goes to show that any proceeding has ever been initiated against the petitioner and petitioner is not under suspension. Therefore, this Court finds there is no impediment in permitting the petitioner to resume duty as Headmistress of the said school.’

In fact, the learned single Judge had directed that the writ petitioner/appellant herein be permitted to join the post of Headmistress with the assistance of the Maipith Coastal Police Station, South 24-Parganas.

On the returnable date, the impugned order was passed modifying the observations of the learned single Judge made in paragraph 6 as aforementioned to the extent that disciplinary proceeding against the writ petitioner/appellant was pending and a charge-sheet against her has been issued on 12th July, 2024, though the writ petitioner had not been placed under suspension.

The appellant has challenged the said order dated 18th August, 2025 on the ground that an observation made in paragraph 7 of the said order, in fact, gave a right to the Board to progress with the disciplinary proceeding initiated against the appellant, which, is beyond the scope of the writ petition and to consider whether suspension of the writ petitioner/appellant herein is necessary or not for concluding the proceeding against her.

Mr. Bhattacharya, learned advocate appearing for the appellant submitted that the appellant has given reply to the show-cause notice and chargesheet which has been accepted by the Board and no further steps towards

disciplinary proceeding had been taken by the Board since then. Thus, the disciplinary proceedings against the appellant had practically been dropped.

Mr. Dey, learned advocate appearing for the school authorities submitted that the writ petition had been initiated by suppression of material fact and order had been obtained by misleading the Hon'ble Court.

Mr. Farmania, learned advocate appearing for the State/respondents has also submitted that the writ petition was indeed obtained on suppression of facts.

We have been heard learned counsel for all parties at length.

The scope of the writ petition was limited to the rights of the appellant/writ petitioner seeking orders to enable her to get access to the said school and attend her office as the Headmistress, with the assistance of the police authorities, as prayed for in the writ petition. This along with a prayer made by the appellant for her transfer to a different school other than the one in which she is serving as a Headmistress.

It is indisputable that there is a disciplinary proceeding pending against the appellant, though initiated some time back. Show-cause notice and charge-sheet in respect thereof have also been issued. In fact, a reply to the show-cause notice has also been given by the appellant. Subsequent thereto, no steps have been taken by the Board in the said disciplinary proceeding.

The factum of the pendency of a disciplinary proceeding was omitted in the writ petition and therefore, does not find place in the order of 5th August, 2025 which was subsequently modified and included in the order impugned before us of August 18, 2025.

An unreported decision of the Hon'ble Supreme Court of India in *Mrs. Akella Lalitha Vs. Sri Konda Hanumantha Rao & Others* [Civil Appeal Nos.6325-6326 of 2015], relied upon by Mr. Bhattacharya, is distinguishable on facts. In the present case no relief has been granted by the learned single Judge, which may be said to be beyond the scope, pleadings or prayers made in the writ petition.

The tenor of the observation made by the learned Single Judge in the order impugned dated 18th August, 2025 at paragraph 7 is loud and clear. It is a mere observation. The observation, in any event, does not add or create any right in favour of the Board which it did not have, nor does it take away any right of the appellant which it otherwise had. Nor is the observation an order or direction to the Board to continue the disciplinary proceedings as alleged by the appellant. The observation in the said paragraph (para 7) of the impugned order does not grant nor abstract any right of any of the parties and hence does not call for any interference.

In the circumstances aforesaid, we do not find any reason to interfere with the order impugned.

The appeal and the connected application are disposed of, accordingly.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)