

11.02.2025
Item No.16
PG/KS
Ct. No.1

C.P.A.N. 1478 of 2024
With
I.A. No. CAN 1 of 2025
With
I.A. No. CAN 2 of 2025
+
W.P.A.(P) 65 of 2024
Bikash Ranjan Maiti & Anr.
Versus
Sri Arup Sengupta,
the Commissioner of School Education,
Government of West Bengal & Anr.

Mr. Saibal Acharyya
Mr. Sudip Sarkar
Mr. Aninda Bhattacharya
Ms. Sneha Maity
.....For the Contempt Applicants

Mr. Biswabrata Basu Mallick, Ld. A.G.P.
Ms. Parna Roy Chowdhury
.....For the Alleged Contemnors

Mr. Anjan Bhattacharya
Ms. Anita Shaw
.....For the Applicant in
I.A. No. CAN 1 of 2025
+
I.A. No. CAN 2 of 2025

1. I.A. No. CAN 1 of 2025 has been filed by the Ex-Headmaster of the School seeking for addition of parties in the contempt application being, CPAN 1478 of 2024.
2. I.A. No. CAN 2 of 2025 has been filed by the very same Ex-Headmaster praying for a direction to recall and/or vacate the order dated 14th January, 2025 passed in CPAN 1478 of 2024. The contempt application was filed alleging disobedience of the direction issued in W.P.A.(P) 65 of 2024 dated 22nd February, 2024. The said writ petition was filed seeking implementation of

an order passed by the Commissioner of School Education dated 18th May, 2023, which concerns an audit of the accounts of the concerned school for the two financial years.

3. The applicant in I.A. No. CAN 1 of 2025 and I.A. No. CAN 2 of 2025 has filed a writ petition challenging the order passed by the Commissioner of School Education dated 18th May, 2023 and the writ petition is still pending. However, there is no order of stay.
4. The applicant in I.A. No. CAN 1 of 2025 and I.A. No. CAN 2 of 2025 is also aggrieved by the further direction issued by this Court dated 14th January, 2025 in C.P.A.N. 1478 of 2025 which is to the following effect:-

“1. Notice was served on the alleged contemnor no. 1 and he is represented by learned counsel. A report on behalf of the alleged contemnor no. 1 is filed in Court today. Apart from other things we find from paragraph 6 of the report that one Sri Anupam Nanda, Ex-Headmaster, now working as Headmaster of Joykrishna Nehru Bidya Bhaban (HS), has not rendered necessary cooperation for completion of audit from financial year 2019-2020 to 2021-2022 though they have issued letters three times seeking his cooperation.

2. Since the highest authority, namely, the Commissioner of School Education, West Bengal has made such observation, we direct the Commissioner of School Education, West Bengal to take necessary disciplinary action against Sri Anupam Nanda, who alleged to have not cooperated for completion of the audit and this may be informed to the said person in writing and he does not cooperate within two weeks from receipt of the communication, it will be well open to the Commissioner of School Education, West Bengal to initiate disciplinary action against him which include suspending him from service.”

5. We have elaborately heard the learned advocates for the parties.
6. The order passed by the Commissioner of School Education dated 18th May, 2023 pertains to conduct of an audit by one, M. N. Gangopadhyay & Company. The President of the Managing Committee of the school and the present Teacher-in-Charge of the school were requested to extend cooperation to the auditor engaged by the Director of School Education, West Bengal to audit the accounts of the school up to 2021-2022 from the financial year 2019-2020 within a month. Further direction was issued to the effect that after getting the audit report, the President, Managing Committee of the school must place it before the Managing Committee for discussion and after thorough discussion in the Managing Committee, the President of the school may forward the resolution of the Managing Committee as well as the allegations against the Ex-Headmaster, who is the applicant in I.A. No. CAN 1 of 2025 and I.A. No. CAN 2 of 2025 along with the audit report to the disciplinary authority i.e. West Bengal Board of Secondary Education for taking appropriate action.
7. Since the order dated 18th May, 2023 has been challenged by the Ex-Headmaster viz. Sri Anupam Nanda to that extent, the order need not be complied with and it will be subject to the outcome of the writ petition filed by the applicant in WPA 4812 of 2024.

However, this will not be a bar for the audit to proceed further in the matter for which the President of the Managing Committee and the present Teacher-in-Charge should extend full cooperation.

8. Therefore, without casting any aspersion on the Ex-Headmaster, Sri Anupam Nanda, the auditor, who has been appointed, shall conduct an audit and the President of the Managing Committee as well as the present Teacher-in-Charge shall extend cooperation for the audit and after the audit report is prepared, it should be placed before the Managing Committee and after discussions, the minutes should be recorded and along with the audit report and the minutes of the meeting of the Managing Committee, the same to be placed before the District Inspector of Schools (S.E.), Paschim Medinipur, who shall thereafter proceed to take action in accordance with law.
9. Upon receipt of the documents, District Inspector of Schools (S.E.), Paschim Medinipur, if need be can seek for the assistance of the Ex-Headmaster.
10. Since, the Ex-Headmaster, Sri Anupam Nanda has challenged the order passed by the Commissioner of School Education, the 2nd paragraph of the order dated 14th January, 2025 in C.P.A.N. 1478 of 2024, quoted above, stands recalled.
11. With the above directions, contempt application and all other connected applications also stand disposed of.

12. No costs.

13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)