

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22357 of 2025

Pratip Kumar Mukhopadhyay @ Pratip Mukherjee
v.
The State of West Bengal & Ors.

Mr. Sakya Maiti
... For the petitioner

Mr. Subhas Jana
... For the School Authority

Mr. Kunal Ganguly
... For the WBBSE

Mr. Avik Ghatak
Mr. Ratikanta Pal
... For the respondent nos.7 to 10

1. The petitioner is aggrieved by point no.4 of the resolution dated 4th September, 2025 passed by the President of the West Bengal Council of Higher Secondary Education.
2. It appears that the petitioner is serving as an Assistant Headmaster-cum-Teacher-in-Charge of Behala High School. He is aggrieved by the decision taken by the President of the Council to recommend disciplinary proceeding against the petitioner before the Commissioner of School Education.
3. Learned advocate representing the Council submits, upon instruction, that till date no recommendation against the petitioner has been forwarded to any authority whatsoever. The

recommendation, if any, does not have any binding effect upon the Commissioner.

4. As per the provision of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching staff) Rules, 2018, it is the West Bengal Board of Secondary Education that may authorize any officer not below the rank of Sub-Inspector of Schools to conduct preliminary investigation against any teacher or non-teaching staff upon receipt of a complaint pertaining to misconduct of a teacher from the committee or the administrator or head of an institution.
5. In the instant case neither the Council nor the Commissioner of School Education has any authority to conduct disciplinary proceeding and the same is the prerogative of the West Bengal Board of Secondary Education.
6. As it has been submitted that the Council has not yet recommended any disciplinary proceeding to be initiated against the petitioner, accordingly, the instant writ petition stands disposed of with the observation that the parties shall take steps in the matter in accordance with law and not otherwise.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)