

26th Nov., 2025

Item no.D/L 57
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 26117 of 2025**

In the matter of :
Debaprasad Midya *.... Petitioner*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioner:
Mr. Kamalesh Bhattacharyya
Mr. Bidhan Biswas *....Advocates*

For the State:
Ms. Kakali Naskar *....Advocate*

For the WBBSE:
Ms. Saswati Chatterjee *....Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. A copy of the writ petition was sought to be served upon the school but the same has been returned with the postal remark ‘refused’.
3. Instruction forwarded by the District Inspector of Schools, Secondary Education, Paschim Medinipur signed on 20th November, 2025 filed in Court today is taken on record.
4. The petitioner claims to be serving as headmaster of a school. Certain allegation of defalcation of funds was made against him for which a criminal complaint was lodged. The petitioner obtained anticipatory bail.
5. It has been submitted that no disciplinary proceeding has been initiated against the petitioner. There is no order from any competent

forum restraining the petitioner from joining the duty. His grievance is that he is restrained by the school to attend duties.

6. Prayer has been made to permit the petitioner to join duty.
7. Learned advocate representing the State respondents has obtained instruction from the District Inspector of Schools, Paschim Medinipur wherefrom it appears that the District Inspector of Schools is aware of the fact that the petitioner is not been permitted to join the school.
8. The District Inspector of Schools has disclosed that as the petitioner is absent from school, the managing committee of the school resolved to deploy one Tanmoy Ghosh, an assistant teacher of the school, to act as the Teacher-in-Charge of the school in the meeting held on 5th August, 2025 for performing the day to day work of the school.
9. Vide communication dated 24th July, 2025, the District Inspector of Schools requested the President of the school to withhold the salary of the petitioner until further orders. The petitioner is not getting his pay from July, 2025.
10. In the absence of the school it is not possible for the Court to adjudicate the issue conclusively.
11. It has been contended by the petitioner that the District Inspector of Schools is not in a position to take decisive steps to resolve the issue. Prayer has been made by the petitioner to direct the Commissioner of School Education to redress his grievance.
12. From the submissions made on behalf of the parties it appears that there is a dispute between the petitioner and other members of the managing committee of the school. Had the DI taken a positive step,

the issue could have been resolved. Despite having knowledge of the entire controversy, the DI failed to solve the problem.

13. In view of the above, the instant writ petition is disposed of by directing the Commissioner of School Education to take necessary steps to resolve the issue so that the regular functioning of the school is not hampered. The education of the students should be given utmost priority and the issue be put to rest.
14. An opportunity of hearing shall be given to the petitioner, the representatives of the school and the representative of the District Inspector of Schools.
15. A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.
16. The writ petition stands disposed of.
17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)