

WPA 24136 of 2019
IA No. CAN 1 of 2024

Bablu Chandra Biswas and others
Vs.
The State of West Bengal and others.

The genesis of the present writ petition lies in the inaction of the West Bengal Board of School Education in addressing serious allegations against the Headmaster of Kharba Harinarayan Agril High School (hereinafter referred to as 'the school'), pertaining to the alleged misappropriation of funds allocated to the School under various programmes, including the Mid-Day Meal Programme.

To encourage students from economically weaker sections to attend school, prevent dropouts, and promote free education as mandated under Article 21 of the Constitution of India, the State launched various programmes, including the Mid-Day Meal Programme, the provision of school uniforms, free books, and other reading materials in primary and secondary schools.

In the present case, the Headmaster was entrusted with

the responsibility of implementing those programmes at the school. However, as previously noted, complaints were lodged by both teaching and non-teaching staff, as well as by the guardians of students, alleging the misappropriation of funds allocated for the programme by the Headmaster.

Based on the complaint lodged against the Headmaster, a Three-Member Committee was constituted on 04.12.2018. The Committee submitted its report to the Additional District Magistrate (JP), Malda. The report highlighted a defalcation of Rs. 40,034.11 and noted that three registers, namely, the Cooked Food Test Register, the Food Grain Register, and the Receipt and Payment Register, were maintained only until September 2018. Furthermore, the report revealed that certain entries in the Receipt and Payment Register had been tampered with using whitener pen, and an unutilized fund balance of Rs. 8,10,474.63 as of 01.10.2018 remained unspent.

A communication dated 10.12.2018, addressed to the D.P.O., SSM, Malda by the Sub-Inspector of Schools, indicates that although the Utilization Certificate dated 19.04.2018 reported that a total of 1,118 students had received school uniforms, an inquiry revealed that 138 students claimed they had not been provided any uniform. Furthermore, Annexure-P-7 to the application for bringing certain subsequent events on record shows that several teachers and non-teaching staff alleged they had not received remuneration for taking additional classes, despite the school having received funds amounting to Rs. 2,96,960/- for this purpose.

After perusal of the report the Additional District Magistrate (JP) vide. his letter dated 28.01.2019 requested the District Inspector of Schools to take immediate action against the Headmaster of the school as per the applicable rules with a further request to submit an action taking report to his office.

All these incidents took place way back in 2019. The irony, however, lies in the fact that even after six years, no complaint has been lodged before the Board by the school authorities, nor has any enquiry been conducted to determine whether the allegations made against the Headmaster have any merit.

The records reveal that, by a letter dated 03.02.2020, the District Inspector of Schools instructed the President of the School's Managing Committee to seek an explanation from the Headmaster regarding certain issues. The letter further directed that, if the headmaster's response was found unsatisfactory, a proposal should be submitted to the West Bengal Board of Secondary Education for initiating disciplinary proceedings against him.

Mr. Sardar Amjad Ali, learned Senior Advocate appearing on behalf of the petitioner, draws my attention to an order dated 19th March 2025 passed by the Coordinate Bench in the present matter. He submits that, upon considering the facts and circumstances of the case, the Bench granted liberty to the petitioner to implead the President of the School's Managing Committee and the District Inspector of Schools as parties to this proceeding.

He points out that both authorities have been impleaded as parties to this writ petition. The District Inspector of Schools is represented by Mr. Biswabrata Basu Mallik, learned Additional Government Pleader. However, the President of the School's Managing Committee remains unrepresented.

Reiterating the incidents detailed in the preceding paragraphs and referring to various documents placed on record by the parties, Mr. Ali submits that even if, for the sake of argument, the incident in question does not amount to corruption or illegality, it constitutes serious irregularities. He urges that this Court may take judicial notice of these incidents and issue appropriate directions to ensure that a fair and impartial enquiry is conducted to unearth the truth and to determine whether any irregularity occurred in the implementation of the Mid-Day Meal Programme and in the management of funds allocated to the school under various government schemes.

Mr. Anjan Bhattacharya, learned Advocate appearing on behalf of the Headmaster, disputes the submissions advanced by Mr. Ali and raises a preliminary objection regarding the maintainability of the writ petition. He submits that petitioner no. 1, who was formerly a member of the teaching staff at the school, has since been transferred to another institution, and the remaining petitioners have no existing relationship or connection with the school. He submits that petitioner no. 3, through a communication to the Advocate-on-Record of the petitioners, has expressed his intention not to proceed with

the writ petition.

He contends that such a writ petition cannot be entertained under the regular writ jurisdiction of this Court. According to him, if the petitioners claim to be public-spirited individuals to espouse this cause, they should have initiated a Public Interest Litigation (PIL) instead.

He also submits that during a critical time when the Mid-Day Meal Programme was going to be stalled in the school for various reasons, it was the Additional District Magistrate who personally instructed the Headmaster to run the programmes and entrusted him with the responsibility of ensuring its smooth operation. He further submits that petitioner no. 1, who was the Operator of the Mid-Day Meal Programme previously, shirked his responsibilities, and was subsequently transferred to another school. Now, after his transfer, he is levelling baseless and unfounded allegations against the Headmaster.

Ms. Koyeli Bhattacharyya, learned Advocate appearing on behalf of the West Bengal Board of Secondary Education, submits that the school authorities did not submit any formal complaint nor did they provide the report prepared by the Three-Member Committee.

However, in response to my query, she conceded that the Board has the authority to initiate an enquiry suo motu if such allegations come to its notice.

Mr. Basu Mallik, Additional Government Pleader representing the State, submits that in compliance with the order passed by the Coordinate Bench, a report has been

submitted and all relevant documents have been placed before this Court on behalf of the State.

Heard the learned Advocates for the respective parties and peruse the materials on record.

The issue of locus standi assumes significance and becomes fundamental to resolving the question of the maintainability of the writ petition. Therefore, this issue should be addressed first, before proceeding to consider the other issues raised by the parties.

The expression 'locus standi' refers to the 'legal standing' or the right to maintain an action before a Court of law. To bring an action in a writ jurisdiction, the petitioner must demonstrate that he possesses an existing legal or fundamental right, that this right has been infringed, and that, as a result of this infringement, he has suffered a personal injury. This injury must be directly attributable to the action or inaction of the party against whom the relief is sought.

However, in civil actions, the introduction of Order I Rule 8 of the Code of Civil Procedure has relaxed the stringent requirements of locus standi. In writ jurisdiction, the introduction of the concept of Public Interest Litigation has loosened the tight knot of locus standi.

As noted earlier, petitioner no. 1 was a member of the teaching staff of the school at the time of filing the present writ petition. He had the courage to bring these incidents of alleged illegality to the attention of various authorities, and ultimately, to this Court. At the time of filing the writ petition,

he had locus standi to do so. His action cannot be rendered invalid merely due to his transfer to another school. Even if it is assumed that the other petitioners were improperly joined, it is well settled that the misjoinder of parties does not invalidate the proceedings.

It cannot be denied that as a citizen of India, one has the right to ensure that every authority is discharging its statutory duties in accordance with the mandate of law, and that public funds released from the exchequer are utilized properly and for the intended purposes.

Over the years, the writ Courts have imposed certain self-restrictions, and due regard must be given to the doctrine self-restraint. However, it should be remembered that writ jurisdiction began its journey with the fundamental aim of extending its long arm to reach places where injustice is found.

Therefore, taking note of the facts that the petitioner no.1 who at the time of presentation of the writ petition was a member of the teaching staff of the school and taking note of allegations of misappropriation of fund under Mid-Meal Programme and various welfare programmes which might have resulted in deprivation of actual beneficiaries, the issue of maintainability of the writ petition due to want of locus standi of the petitioner, as raised by Mr. Anjan Bhattacharya stands overruled.

As noted previously, the report of the Three-Member Committee pointed out a defalcation of Rs. 40,034.11 and observed that three registers, namely, the Cooked Food Test

Register, the Food Grain Register, and the Receipt and Payment Register, were maintained only until September 2018. It was further noted that certain entries in the Receipt and Payment Register had been tampered with using a whitener, and an unutilized fund balance of Rs. 8,10,474.63 remained unspent as of 01.10.2018. Subsequently, during an enquiry conducted by the Sub-Inspector of Schools, it was revealed that, out of 118 students, 138 students did not receive school uniforms. Additionally, certain teachers and non-teaching staff alleged that they had not been paid their remuneration for performing additional duties, despite the school receiving an allocation of Rs. 2,96,960/- for that purpose.

Admittedly, all the allegations are directed against the Headmaster of the school. If these allegations are found to have substance, they could lead to disciplinary and penal action. However, despite complaints being lodged by teachers, non-teaching staff, and guardians of the beneficiaries of these programmes against him, he appears to be so influential that he has ensured no formal complaint has been filed by the Managing Committee of the school, nor has any action been taken in this regard, despite the passage of over six years.

This Court finds no justification for why the Headmaster is so apprehensive about facing an enquiry. If he has acted with fairness and transparency, it is expected that he would emerge without any adverse actions or comments from the Board or the person conducting the enquiry.

Our society expects a Headmaster to possess a virtuous

character, setting a positive example for the students under his care. He must be a person of integrity and of such character that his students can admire and aspire to follow him.

However, as noted earlier, the Board has the authority to proceed suo motu, regardless of whether the President of the Managing Committee of the school has lodged a formal complaint. The record shows that the District Inspector of Schools, who holds a responsible position within the State, has already lodged a complaint with the Board. If the Board deems a formal complaint necessary as a basis for initiating an enquiry, it may proceed based on the complaint filed by the District Inspector of Schools and take any action available under the law against the Headmaster, if the allegations are found to have substance. It is also important to note that the Board has already received copies of the pleadings and documents submitted by the parties in this proceeding.

Therefore, based on the foregoing discussion, this writ petition is disposed of with the direction to the President of the West Bengal Board of Secondary Education to take appropriate steps to ensure that a proper enquiry is conducted by a competent authority or authorities to determine whether there is any substance to the allegations raised against the Headmaster regarding the misappropriation of funds allocated to the school under various programmes. If the allegations are found to have merit, appropriate actions shall be taken in accordance with the law.

It is expected that both the Headmaster and the school authority shall fully cooperate with the Board or any investigating personnel to ensure that the truth is uncovered.

With these observations and order, this writ petition is, thus, disposed of. There shall, however, be no order as to costs.

(Partha Sarathi Chatterjee, J.)