

W.P.A. 28859 of 2024

**Sri Rabin Roy
Vs.
The State of West Bengal & Ors.**

Mr. Mojahid Mehedi
...for the petitioner

Mr. Himadri Sekhar Chakraborty
Mr. Gautam Basu
....for the State

Today, at the time of call accommodation has been prayed for on behalf of the petitioner and same is refused since matter was taken up for consideration on 2nd January, 2025 when similar prayer was made and same was granted thereby matter was fixed on a subsequent date.

State respondents are represented by learned advocate who has filed a communication dated 16th December, 2024 issued by the District Inspector of Schools (SE) Howrah and same is taken on record.

By presenting this writ petition prayer is made to issue a writ of mandamus directing the District Inspector of Schools (SE) Howrah and the authority of Khanpur High School, Howrah to reinstate the petitioner and pay salary to him.

Petitioner is a non-teaching staff of the aforesaid school who, as it appears from the report dated 16th December, 2024 furnished by the District Inspector of Schools (SE), Howrah, had left the school on 21st February, 2024 without any information and has not been attending the school since then. It further appears that an FIR was lodged against him by the guardians for misbehaving with girl student of class VII of the school. Nothing is on record that petitioner is acquitted on completion of criminal proceedings. Since allegation is misbehavior with girl student of the school, prayer of the petitioner to allow him to resume duty, at this stage, should not be allowed.

Hence, the writ petition stands dismissed.

In the event petitioner is acquitted of the charges levelled against him in connection with criminal proceeding, he shall be at leave to approach the appropriate authority for getting service benefits and resumption of duty, in accordance with law.

Urgent photostat certified copy of this order, if applied for, be given to the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)