

Item- 11. 21-04-2025

sg

Ct. 8

MAT 2199 of 2024
CAN 2 of 2024

Dr. Syed Imtiaz Ahmed
Vs.
State of West Bengal & Ors.

Mr. Syed Arif Ahmed
... for the appellant
Mrs. Koyeli Bhattacharyya
Mr. Bibed Dutta
...for the W.B.B.S.E.
Mr. Suman Dey
...for the School
Mr. VImal Kumar Shahi
Mr. Manoj Kr. Mondal
...for the State

1. This appeal is arising out of an order dated 14th October, 2024 passed by the learned Single Judge in a writ petition.
2. The appellant was the Headmaster of Balarampur M.N. Vidyamandir (H.S.), Narendrapur, District 24-Parganas (South). In contemplation of a disciplinary proceeding, he was suspended on 30th January, 2024.
3. In course of submission, it transpires that a charge sheet was issued in April, 2024 and an Inquiry Officer was appointed in May, 2024. It is alleged that in spite of notice, the Headmaster did not participate in the said proceeding. The Inquiry Officer filed a report on 3rd July, 2024. The matter was fixed for appearance before the Inquiry Officer and to proceed with the disciplinary proceeding.

4. It is alleged that the said Headmaster did not participate in the inquiry proceeding. The Inquiry Officer filed a report with the Board and subsequent thereto, the Board had taken a decision and had compulsorily retired the petitioner from the school and to give a reply to a show cause notice with regard to the proposed reply.
5. The learned Single Judge was of the opinion that this matter is required to be decided on affidavits and had passed direction for affidavits. It is well-settled that an order of suspension can be passed in contemplation of a disciplinary proceeding.
6. In view of the submission made on behalf of the respondents, the said order of suspension has now merged into a proposed order of punishment. However, it is needless to mention that if the pendency of a proceeding is *void ab initio* or there has been a breach of natural justice at the inquiry stage, the entire proceeding can be quashed by the learned Single Judge which is possible only after the full facts are disclosed before the learned Single Judge.
7. It would be open for the writ petitioner to amend the writ petition in view of the subsequent developments and pray for appropriate reliefs.
8. With the aforesaid observations, the appeal and the application are disposed of. However, there shall be no order as to cost.

9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)