

122 05.05.2025
rkd Ct.18

W.P.A. 28587 of 2023

Sri Bhabesh Kar

-vs-

The State of West Bengal & Ors.

Ms. Susmita Saha Dutta,
Mr. Niladri Saha,
Ms. Madhirima Basu,
Ms. Pallabi Ghosh

....for the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Barman Mandal

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

Supplementary affidavit filed on behalf of
the petitioner is taken on record.

Petitioner being an Assistant Teacher of
Tatu Singha Smriti High School (HS), Uttar
Dinajpur has prayed for lifting of suspension order
which was clamped on him vide order dated 10th
September, 2023.

In reference to the said suspension order
dated 10th September, 2023 it is submitted that
since petitioner was taken into custody with effect
from 31st July, 2023 in connection with a criminal
case, President, Ad-hoc Committee, West Bengal
Board of Secondary Education passed suspension
order thereby placing the writ petitioner under

deemed suspension.

It is further submitted that petitioner has been enlarged on bail with effect from 24th August, 2023. Therefore, according to the petitioner at present there is no impediment in permitting the petitioner to resume his duty as Assistant Teacher in the aforesaid school.

It is also submitted that criminal proceeding is pending in connection with allegations against the petitioner which is not connected to the service of the petitioner.

State respondents and West Bengal Board of Secondary Education are represented by learned advocates.

Since petitioner was enlarged on bail with effect from 24th August, 2023, President, West Bengal Board of Secondary Education is directed to decide the issue whether petitioner would be permitted to resume duty as Assistant Teacher on lifting of suspension.

The decision to be taken by the President of the Board by six weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the aforesaid school authority.

A reasoned decision shall be taken by the

President and same shall be communicated to the petitioner by fortnight thereafter.

The writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)