

Sl. Nos.19
12.02.2025
Suman
Ct. 02

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

WPA 334 of 2025

Nibaran Barman
Vs.
The State of West Bengal and Ors.

Mr. Bikramaditya Ghosh
Ms. Ved Rai
..for the petitioner

Mr. Amales Roy
Ms. Mousami Bhowal
Ms. Meghna Joshi
..for respondent no.5.

Mr. Nabankur Paul
Ms. Rima Sarkar
..for the State

The petitioner serves as an Assistant Teacher at Kalia Memorial S.C. Primary School, under the Mekhliganj Circle, Cooch Behar.

By an order dated August 21, 2024, issued by the Secretary of the District Primary School Council, Cooch Behar, the petitioner was suspended with effect from June 20, 2024. This action was taken following the petitioner's arrest and detention in judicial custody from June 20, 2024, for a period exceeding 48 hours in connection with Mekhliganj P.S. Case No. 233/2024, dated June 20, 2024, under Section 8 of the POCSO Act, 2012.

Mr. Bikramaditya Ghosh, learned counsel appearing on behalf of the petitioner, submits that the petitioner has made a representation for the revocation of the suspension order through a letter dated December 18, 2024. He further submits that the petitioner was granted bail on July 18, 2024, and therefore, the continuation of the suspension order lacks justification.

Conversely, Mr. Roy, learned counsel appearing for respondent no.5, relies on the judgments reported in **(2011) 2 CAL LT 180 (HC) (*Mithun Saha v. State of West Bengal*)** and **2008 SCC OnLine Cal 746 (*Birbhum District Primary School Council v. Md. Mokhtar Hossain*)** to justify the continuation of the suspension order.

In light of the foregoing, there is no necessity to keep this writ petition pending. The judgments cited by Mr. Roy, in fact, require the competent authority to review the suspension order based on appropriate grounds.

Accordingly, this writ petition is disposed of with a direction to respondent no.5 to consider the representation dated December 18, 2024, and issue a reasoned order regarding the revocation of the petitioner's suspension within one month from the date of communication of this order.

Accordingly, **WPA 334 of 2025** is disposed of.

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

(Kausik Chanda, J.)