05.10.2026
Sl. Nos. 1027
Ct. No.14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 4077 of 2026

Sujoy Halder
Versus
The State of West Bengal & Ors.

Mr. Tarunjyoti Tewari, (through virtual mode)
Mr. Bikramjit Dutta
Ms. Kausiki Bose
... for the petitioner

Mr. Dipanjan Sinha Roy
Ms. Priyanka Shukla
Ms. Sweta Singh
... for the State

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
... for the DPSC, Nadia

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for the WBBPE

1. Repot filed by the Chairman-in-Charge, Nadia District Primary School Council dated 24th September, 2026 is taken on record. Copy served.

2. By the present writ petition the petitioner seeks for setting aside of the suspension order dated 29th October, 2025 issued by the respondent no.4, the Chairman, Nadia District Primary School Council.

3. The petitioner contends that he joined as an Assistant Teacher in a primary school under Nadia District Primary School Council in the year 2011. While in service the petitioner was implicated in a criminal case being Tehatta Police Station Case No. 710 of 2025 dated 10th September, 2025 under Section 196/299/353 of the Bharatiya Nyaya Sanhita (*in short, 'BNS')* read with Section 67 of the Information

Technology Act. The petitioner was arrested on 11th September, 2025 and was enlarged on bail on 25th September, 2025. Since the petitioner was detained in custody for more than 48 hours, he was suspended *vide* office order dated 29th October, 2025 which is under challenge. Being aggrieved by the action of the respondent authorities, the petitioner has preferred the present writ petition.

4. Mr. Tarunjyoti Tewari, learned Advocate for the petitioner appearing through virtual mode submits that the date of effect of suspension order is palpably wrong inasmuch as the petitioner has been arrested on 11th September, 2025 and he has been put under suspension from a prior date, i.e. on 10th September, 2025. Further, the petitioner has time and again approached the authority concerned for withdrawal of the suspension order. However, no decision has been taken as yet. He seeks for setting aside of the suspension order issued by the Chairman of the Council.

5. Mr. Arindam Chattopadhyay, learned Advocate representing the Nadia District Primary School Council submits that the petitioner was arrested on 10th September, 2025 as per report furnished by the Inspector-in-Charge, Tehatta Police Station, Nadia. Therefore, the suspension order has been given effect from the date of arrest, i.e. on 10th September, 2025.

6. Learned Advocate for the State leaves the matter to the discretion of this Court.

7. Though the report filed by the Council shows that the petitioner was arrested on 10th September, 2025, however, the order of the learned Chief Judicial Magistrate (in-charge), Nadia records that the accused person was in judicial custody since 11th September, 2025.

8. It is a fact that one legal notice was issued by the advocate of the petitioner sent by *e-mail* to the Council and the Board on 13th December, 2025 for withdrawal of order of suspension. Be that as it may, no such representation has been made from the side of the petitioner seeking for such withdrawal of the suspension order.

9. At this stage, learned Advocate for petitioner seeks liberty to file a comprehensive representation.

10. On the prayer of learned Advocate for the petitioner, liberty is granted to the petitioner to file a comprehensive representation before the Chairman, Nadia District Primary School Council, respondent no.4, within a period of two weeks from date. In the event such representation is submitted within the stipulated period, respondent no.4, Chairman of the Council shall consider and dispose of the said representation upon notice to the petitioner, within a period of two weeks from the date of submission of such representation by passing a reasoned order, in accordance with law.

11. The reasoned order shall be communicated to the petitioner within a period of one week from the date of passing of such reasoned order.
12. With the above directions, the writ petition being **WPA 4077 of 2026** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)