

27.02.2026
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MAT 375 of 2026
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IA No.: CAN 1 of 2026
Satarupa Das
- Versus -
The State of West Bengal & Others

Mr. Ranajit Chatterjee,
Mr. Nilratan Banerjee,
Mr. Prasenjit De
... for the Appellant.
Mr. Santanu Kumar Mitra,
Ms. Anandamayi Ghosh
... for the State/Respondents.
Dr. C. Bandopadhyay,
Ms. A. Dutta,
Dr. Gargy Basu
... for the Respondent nos.6 & 7.
Ms. Koyeli Bhattacharyya
... for the WBBSE.

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 23rd February, 2026 passed by the learned single Judge in the writ petition, being WPA 3580 of 2026 which was preferred challenging *inter alia* an order of suspension dated 15th January, 2026, issued by the President of the West Bengal Board of Secondary Education (hereinafter referred to as the Board), a notification dated 13th December, 2025 issued by the Secretary of the Board as well as a memo dated 2nd January, 2026 issued

by the Secretary of the West Bengal Central School Service Commission.

Mr. Chatterjee, learned advocate appearing for the appellant submits that an order of suspension has been illegally issued against the appellant, who is the Headmistress of the Bhatenda Annakali Smriti Mandir Girls' High School (H.S.) (hereinafter referred to as the said school) without following due process of law and the subsistence allowance has also not been disbursed in her favour.

He contends that the learned single Judge did not take into consideration the provisions of Rule 5(1) and 5(12) of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching Staff) Rules, 2018 and that it would be evident from the records that initiation of the disciplinary proceeding was at the dictate of an official of the State Government, who had no role to play and issuance of the order of suspension was a pre-determined intent to prevent the appellant from entering into the school premises.

He argues that the order recalling the transfer order of the appellant has also been issued

without disclosing the reasons. Such arguments, as urged, were glossed over by the learned single Judge and no finding was returned on the same and an interim order was passed directing the District Inspector of Schools (S.E), North 24-Parganas, the respondent no.3 herein to engage a competent person under whom an inventory of the documents and cash inside the office chamber of the appellant shall be conducted.

In course of hearing, Mr. Chatterjee has also placed before us a memo dated 25th February, 2026 issued by the respondent no.3 intimating that in compliance of the order of the learned single Judge an inventory would be conducted by opening the office room of the Headmistress today at 01:00 p.m. and that there is every possibility of breach of peace.

Mr. Mitra, learned senior advocate appearing for the State/respondents submits, upon instruction, that the inventory work has been commenced from 01:00 p.m. in presence of the police authorities and they have maintained a strict vigil to ensure that there is no breach of peace.

Dr. Basu, learned advocate appearing for the school authorities submits that there is no

infirmity in the order impugned warranting interference in appeal.

Ms. Bhattacharya, learned advocate enters appearance on behalf of the Board.

Answering our query, Mr. Chatterjee submits that the appellant by a letter dated 25th February, 2026 and without prejudice to her rights and contentions has handed over charge to the respondent no.3.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

An appellate power interferes not when the order appealed is not right but only when it is clearly wrong. A Court of Appeal should not ordinarily interfere with the discretion exercised by the Courts below.

It appears that the learned single Judge has rightly left the issues pertaining to initiation of the disciplinary proceeding and suspension, as urged by the appellant, to be considered upon exchange of affidavits. For proper functioning of the school an inventory has been directed and the appellant has been directed to hand over charge to the respondent no.3. The apprehension of the appellant that the documents and cash

lying within the office chamber may be misused in the event the same is opened has been taken care of by the learned single Judge by directing that for the inventory, the respondent no.3 shall engage a competent person, who would conduct the inventory, in presence of the appellant's representative, the school and that one of the police officers of the Rajarhat shall remain present at the time of inventory. It has also been directed that upon inventory, an inventory list duly signed by the witnesses, shall be supplied to all the parties for future reference.

The learned single Judge upon dealing with the factual issues and to ensure proper functioning of the said school has issued appropriate directions and we do not find any infirmity in such exercise of discretion warranting interference in the appeal.

The appeal and the connected application are, accordingly, dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)

