

WPA 12617 of 2026

**Debabrata Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Arabinda Chatterjee
Ms. Kakali Dutta
....for the petitioner

Mr. Suryaneel Das
Ms. Suchitra Sinha Chatterjee
Mr. Bhaskar Bhattacharyya
...for the State

Mr. Anjan Bhattacharya
Ms. Anita Shaw
Ms. Seema Thakur
...for the respondents

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of learned advocates representing petitioner, State respondents and private respondents.
3. Petitioner is erstwhile Chairman of District Primary School Council, North 24 Parganas who has tendered resignation from the said post. However, it is submitted by Mr. Arabinda Chatterjee, learned senior advocate representing petitioner that though his resignation was accepted but he has not been permitted to take his personal belongings which are lying in the chamber of Chairman of District Primary School Council, North 24

Parganas since the chamber is under lock and key.

4. However, it is submitted that grievance prompting the petitioner to approach this Court with the present writ petition is inaction on the part of concerned police authorities to initiate criminal prosecution based on the complaint lodged.
5. On behalf of State respondents a communication dated 17th June, 2026 of Inspector-in-Charge, Barasat Police Station is filed and same is taken on record. Copies of the communication are made over to the learned advocates representing petitioner and private respondents.
6. It is disclosed that on 11th May, 2026 petitioner submitted resignation being Chairman, District Primary School Council, North 24 Parganas which was accepted on 15th May, 2026. Subsequent thereto, charge was handed over to the District Inspector of Schools (Primary Education) on 21st May, 2026.
7. Contents of the communication dated 17th June, 2026 is corroborated by the submissions made on behalf of private respondents. Mr. Anjan Bhattacharya, learned advocate representing private respondents has

submitted before this Court document in support of handing over of charge dated 21st May, 2026.

8. Therefore, from the submissions made on behalf of respondents and contents of communication dated 17th June, 2026, it appears that there was handing over of charge by the petitioner to the concerned District Inspector of Schools (PE), North 24 Parganas.
9. However, inaction on the part of police authorities as alleged in this writ petition is not delved into by this Court at this stage since there is an alternative remedy available under Section 175(3) BNSS 2023 before the jurisdictional Magistrate. In this regard reliance is placed on the judgment of Hon'ble Supreme Court reported in **(2007) 6 SCC 171 (Aleque Padamsee and Others vs. Union of India & Others)**.
10. If petitioner is aggrieved due to inaction on the part of police authorities it will be open to the petitioner to approach jurisdictional Magistrate in accordance with law in pursuit of remedy.
11. Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)