

24.02.2026
Sl. No. 15
Ct. No. 14
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/18975/2025
RAMIJ AKRAM
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Gourav Das
Mrs. Madhumanti Das
...for the Petitioner

Mr. Asish Guha
Mr. Joyak Kr. Gupta
...for the State

Mr. Saibal Acharyya
Mr. T. Mandal
...for the DPSC, Purba Bardhaman

1. On the prayer of the learned advocate appearing for the petitioner, leave is granted to correct the nomenclature of respondent nos. 2 and 3 in the cause title of the writ petition.
2. Affidavit of service filed on behalf of the petitioner is taken on record.
3. By the present writ petition the petitioner seeks direction upon the respondent authorities for setting aside and/or quashing of the order under memo no. 1690/1 dated 2nd June, 2025 passed by respondent no. 3, the Chairman, District Primary School Council, Purba Burdwan rejecting the claim of the petitioner for arrears of salary.

4. The petitioner contends that the petitioner is an Assistant Teacher of Raikha F.P. School under Ketugram West Circle, District Burdwan. The petitioner was arrested in connection with Ketugram P.S. Case No. 132/19 dated 4th May, 2019 under Sections 498A/323/325/307/34 Indian Penal Code in connection with G.R. Case No. 313 of 2019 and was detained in custody from 4th May, 2019 to 18th May, 2019. For such reason, the petitioner was put under suspension with effect from 4th May, 2019. The petitioner was granted interim bail on 18th May, 2019 by the learned Additional Chief Judicial Magistrate, Katwa and the conditions imposed was modified on 31st May, 2019. On 2nd September, 2019, the petitioner made a prayer for withdrawal of the order of suspension. Since the same was not considered, the petitioner filed the writ petition being WPA 3604 of 2021.
5. The aforementioned writ petition was disposed of on 4th March, 2021 with the following order:

“As the representation dated 2nd September has not been considered by the Chairman, District Primary School Council, Burdwan till date, the learned Chairman, District Primary School Council, Burdwan is requested to consider the representation of the petitioner dated 2nd September, 2019 after giving an opportunity of hearing to the petitioner and to allow the petitioner to produce relevant documents at the time of hearing and pass a reasoned order within 6 (six) weeks from the date of communication of this order to the Chairman, District Primary School Council, Burdwan. The Chairman, District Primary School Council, Burdwan is also requested to communicate the reasoned order to the petitioner at an earliest.”

6. Pursuant to such order passed in the writ petition, the Chairman, District Primary School Council, Burdwan withdrew the suspension order on 22nd November, 2021. Subsequent thereto, the petitioner made a prayer for release of arrears of salary for the period from 1st September, 2019 till 31st May, 2022. The prayer of the petitioner for release of arrears of salary was forwarded to the Chairman, District Primary School Council, Purba Burdwan by the Sub-Inspector of Schools, Ketugram West Circle, Purba Burdwan on 2nd January, 2025. By the order dated 2nd June, 2025, the prayer for release of arrear salary was rejected by the authority concerned for the reason of pendency of the criminal case. Being aggrieved by such impugned order passed by the respondent authority, the petitioner has preferred the present writ petition.
7. Mr. Gourav Das, learned advocate appearing for the petitioner submits that the impugned order is palpably bad in law on the ground of it being bereft of any reason. More so, no opportunity of hearing was granted to the petitioner by the respondent authority prior to passing of the order. As such the matter be sent back to the concerned authority for fresh consideration after giving an opportunity of hearing to the petitioner. He seeks liberty to file a comprehensive representation before the appropriate authority.

8. Mr. Saibal Acharyya, learned advocate appearing for the DPSC, Purba Burdwan as well as Mr. Asish Guha, learned advocate representing the State concedes that opportunity of hearing ought to have been granted to the petitioner prior to passing of the order.
9. Upon going through the impugned order, it is found that the petitioner was not granted any opportunity of hearing prior to passing of an order under challenge.
10. In view of the above, the order dated 2nd June, 2025 passed by respondent no. 3, the Chairman, District Primary School Council, Purba Burdwan is set aside.
11. Accordingly, liberty is granted to the petitioner to file a comprehensive representation before the appropriate authority raising his claim for arrears of salary within a period of four weeks from date of this order. Upon receipt of the same, respondent no. 3, the Chairman, District Primary School Council, Purba Burdwan shall consider and dispose of the same by passing a reasoned order in accordance with law upon giving notice to the petitioner within a period of twelve weeks from the date of receipt of such representation.
12. Such reasoned order shall be communicated to the petitioner within a period of one week from the date of passing of such order.
13. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no.

3, the Chairman, District Primary School Council,
Purba Burdwan for necessary compliance.

14. With the aforesaid directions, the writ petition being
WPA 18975 of 2025 is disposed of.
15. Since no affidavit is called for, the allegations made in
the writ petition are deemed to have been denied.
16. Consequently, connected applications, if any, stand
disposed of.
17. Interim orders, if any, stand vacated.
18. There shall be no order as to costs.
19. 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.)