13.11.2026
Sl. No.10
Ct. No.14
gd

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22624 of 2026
Swapan Kandar
VS
The State of West Bengal and Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
...for the Petitioner.

Mr. Partha Chakraborty
Mr. Surojit Das
...for the State.

1. Affidavit of service filed by the petitioner is taken on record.

2. By the present writ petition the petitioner seeks for revocation of the order of suspension dated 12th August, 2026 passed by respondent no.6, Chairman-in-Charge, Paschim Medinipur District Primary School Council.

3. The petitioner contends that he has been put under suspension *vide* order dated 12th August, 2026 since he was implicated in a criminal case being Daspur Police Station Case No.331 of 2026 dated 10th June, 2026 under Sections 64(2)/65(2) of Bharatiya Naya Sanhita *(in short 'BNS')* and Section 6 of Protection of Children from Sexual Offence Act, 2012 *(in short 'POCSO Act')*. The suspension has been made as per Rule 7(2) of the West Bengal Primary Education (Conduct of Service of Teachers of Primary School) Rules, 2001. Upon completion of investigation charge-

sheet has been submitted under Section 75(2) of BNS and Section 10 of POCSO Act on 31st July, 2026. The petitioner has been enlarged on bail on 6th August, 2026. On 11th August, 2026 the petitioner made a representation before the Chairman in Charge, Paschim Medinipur District Primary School Council for allowing him to resume his duties. However, on 12th August, 2026 an order of suspension has been issued. On 13th August, 2026 the petitioner prayed for revocation of such suspension order. However, till date no decision has been taken. Hence, this writ petition.

4. Mr. Prosenjit Mukherjee, learned advocate for the petitioner seeks that the matter be relegated to the appropriate authority to take a decision on the representation of the petitioner.

5. Despite service none appears on behalf of District Primary School Council, Paschim Medinipur.

6. Learned advocate for the State leaves the matter to the discretion of the court.

7. From the materials on record it is found that the petitioner on 13th August, 2026 has prayed for revocation of the order of suspension. The authority concerned is yet to take a decision in respect of the said representation.

8. In view of the above, respondent no.5, Paschim Medinipur District Primary School Council is directed to take a decision with regard to the representation made by the petitioner on 13th August, 2026 seeking

for revocation of his suspension and dispose of the same by passing a reasoned order in accordance with law, upon notice to the petitioner within a period of eight weeks from the date of communication of the order.

9. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, Paschim Medinipur District Primary School Council for necessary action.

10. With the above direction, the writ petition being **WPA 22624 of 2026** stands disposed of.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

12. Interim order, if any, stands vacated.

13. All connected applications, if any, stand disposed of.

14. There shall be no order as to costs.

15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. 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.)