

S/L 33-34
25.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 21633 of 2024

With

WPA 23841 of 2025

Panchananda Jana

Vs.

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

Ms. Anita Shaw

Ms. Seema Thakur

...for the Petitioner.

Mr. Vimal Kumar Shahi, Ld. AGP

Mr. Tapas Kumar Das

...for the State.

Ms. Koyeli Bhattacharyya

Mr. Bibek Dutta

Mr. Manas Bhattacharyya

...for WBBSE.

1. Affidavit of service filed by the petitioner in Court today be kept with the records.
2. The petitioner is an Assistant Headmaster of the school. He was put under suspension as he remained in custody for more than 48 hours.
3. The charge sheet filed in the criminal proceeding stood set aside by the Court vide judgment dated August 20, 2025 in CRR 3857 of 2024.
4. The petitioner contends that immediately on quashing of the charge sheet, the suspension order stands revoked automatically.
5. The President of the Ad hoc Committee of the West Bengal Board of Secondary Education passed order in September 2025 by continuing with the order of suspension in contemplation of a disciplinary

proceeding to be initiated against him as per Rule 6(1)(a) of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of teacher and non teaching staff) Rules, 2018. The petitioner is aggrieved by the same.

6. It has been submitted that the Board could not have continued with the suspension order as the initial order of suspension no longer survives after the criminal case stood quashed by the Court.

7. The reason for continuing the suspension is absolutely bad and illegal. There is nothing on record to suggest that the petitioner violated any financial norms or misused the power of the office of the headmaster as the petitioner was arrested way back on March 23, 2024 and since, thereafter, he did not have any opportunity to visit the school. The question of misusing the power of the office as on November 25, 2024 does not arise.

8. Prayer has been made to set aside the impugned order dated 22nd September, 2025 continuing his suspension and to permit the petitioner to join service.

9. The aforesaid submission and prayer of the petitioner is opposed by the West Bengal Board of Secondary Education and the State respondents particularly the District Inspector of Schools (Secondary Education), Purba Medinipur.

10. Learned advocate representing the Board submits that there is no provision for automatic withdrawal of suspension. The Board conducted an enquiry through the District Inspector of Schools and on receipt of the enquiry report the Board contemplates initiating disciplinary proceeding against the petitioner. A show cause notice has been issued and a reply to the same has filed by the petitioner lately after a year from the issuance of the same.

11. Learned advocate representing the District Inspector of Schools relies upon the instruction forwarded by the aforesaid respondents signed on October 14, 2025 and submits that the petitioner was directed to attend the hearing but despite several communications, the petitioner remained absent in the enquiry. The enquiry report of the District Inspector of Schools has already been forwarded to the Board.

12. Learned advocate for the petitioner justifies the reason for delay in answering the show cause. It has been submitted that as the petitioner was suspended from service, he was not in a position to visit the school to attend the enquiry.

13. I have heard the submissions made on behalf of the parties and have perused the materials placed before this Court.

14. Admittedly, it appears that the petitioner was arrested on March 23, 2024 and as he remained in

custody for more than 48 hours. He stood suspended as per Rule 6(1)(a) of the Rules. The criminal complaint against the petitioner, however, stood quashed by the Court on August 20, 2025.

15. The contention of the petitioner that, on quashing of the criminal proceeding the order of suspension automatically gets revoked, is not backed up by supporting law. The petitioner applied for revocation of his order of suspension but the same has not been allowed by the authority. The same implies that the suspension under Rule 6(1)(a) still continues. The authority, thereafter, invoked the provision of Rule 6(1)(c) for suspending the petitioner in contemplation of the disciplinary proceeding to be initiated against him.

16. The impugned order of the Board clearly mentions that the enquiry report of the District Inspector of Schools suggests that the petitioner violated financial norms and misused the power of the office of the head.

17. Whether the allegations against the petitioner are proper or not can be ascertained only after the Board initiates the disciplinary proceeding against the petitioner. The petitioner still has enough opportunity to defend himself and disprove the allegations made against him in the disciplinary proceeding.

18. The prayer of the petitioner, at this stage, to revoke the order of suspension cannot be allowed.

19. Accordingly, both the writ petitions fail and are hereby dismissed.

20. The Board is directed to take a decision whether or not to proceed with the disciplinary proceeding against the petitioner.

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

(Amrita Sinha, J.)