

MAT 1563 of 2025
with
IA No. CAN 2 of 2025
(Pradip Kumar Misra Vs. Nikhil Mandal & Ors.)

Mr. Biswaroop Bhattacharya
Mr. Amarendra Chakraborty
Mr. Dipayan Kundu
Mr. Tonmoy Chatterjee
Mr. Argha Banerjee
..... For the appellant

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
..... For the State

Mr. Sunit Kumar Roy
Ms. Susmita Mondal
**..... For the writ petitioner/
Respondent**

Mr. Aninya Bose
Mr. Mridul Biswas
Ms. Raina Das
..... For the School

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
..... For the W.B.B.S.E.

The present appeal has been preferred challenging an order dated 11th June, 2025 passed by the learned single Judge in the writ petition being WPA 22379 of 2023. The said writ petition was preferred by the guardians of the Jagdala High School (Higher Secondary) (hereinafter referred to as the said school) *inter alia* praying for issuance of necessary direction upon the respondents ‘to make investigation into the misdeeds of the Respondent NO. 9, if necessary, by initiating appropriate disciplinary proceedings against the said Respondent No. 9, forthwith’. The said

respondent no. 9 was the Headmaster of the said school, who retired during pendency of the writ petition on 30th June, 2024.

Records reveal that in the writ petition, previously an order was passed on 7th April, 2025 observing, *inter alia*, that ‘*if Board has not forwarded the preliminary enquiry report and other materials which are available before the Board relating to the proposal for initiating disciplinary proceeding against respondent no. 9, same shall be forwarded to the Secretary, School Education Department by ten days from date by the concerned authority of the Board and on receipt of same the Secretary shall take decision whether approval is to be granted as contemplated under the second proviso to Rule 5(3) for initiating disciplinary proceeding against respondent no. 9 or not within a period of three weeks thereafter*’. The matter again appeared for consideration on 11th June, 2025 and the writ petition was ultimately disposed of observing *inter alia* that ‘*in view of grant of approval thereby permitting concerned authority of the West Bengal Board of Secondary Education to initiate disciplinary proceedings against the respondent no. 9, it appears that grievance of the petitioners stands redressed*’.

Drawing our attention to an order dated 28th January, 2025 passed by the President, Ad-hoc Committee of the West Bengal Board of Secondary

Education, Mr. Bhattacharyya, learned advocate appearing for the respondent no. 9/appellant herein submits that without waiting for the audit report, as called for earlier, the West Bengal Board of Secondary Education (hereinafter referred to as the Board) could not have taken a decision to initiate disciplinary proceedings against the appellant subject to grant of permission by the Commissioner of School Education, West Bengal.

He further argues that about 350 days after superannuation, the Secretary (Law) School Education Department could not have granted sanction in terms of the second proviso to Rule 5(3) of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching Staff) Rules, 2018 (hereinafter referred to as the 2018 Rules) to initiate disciplinary proceedings against the appellant by a cryptic order dated 9th June, 2025 and as a consequence thereof, the appellant's pensionary benefits have been withheld. Such arguments, as advanced, before the learned single Judge, were glossed over and no finding was returned on the same.

He further submits that the writ petitioners being the guardians of the said school had no *locus standi* to prefer the writ petition seeking direction upon the

respondents to initiate disciplinary proceedings against the appellant.

Mr. Roy, learned advocate appearing for the writ petitioners/respondents and Mr. Bose, learned advocate appearing for the school submit that there were serious allegations of financial misappropriation against the appellant and in view thereof and after granting due opportunity of hearing to the appellant, a reasoned decision was taken by the Board to initiate disciplinary proceedings against the appellant subject to grant of permission by the competent authority. Taking into consideration the fact that sanction had already been granted by the competent authority, the writ petition was disposed of. The order impugned thus has not caused any prejudice to the appellant and as such, the present appeal itself is not maintainable.

Ms. Bhattacharyya, learned advocate appearing for the Board submits that the authorities have proceeded in accordance with law and as such, no interference is called for in the present appeal.

Mr. Chattopadhyay, learned advocate appearing for the State respondents submits that the arguments, as advanced by Mr. Bhattacharya, cannot be considered in an appeal against an order disposing of the writ petition only with an observation that the grievance of the writ petitioners has been redressed as sanction had been granted by the competent authority to initiate

disciplinary proceedings against the appellant. However, answering our query, Mr. Chattopadhyay submits that as sanction has been granted by the competent authority towards initiation of disciplinary proceedings, the appellant at this stage can, at best, claim provisional pension.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the scope and ambit of the writ petition was limited. The writ petitioners only sought for issuance of necessary direction upon the competent authority to make investigation into the alleged misdeeds of the appellant by initiating disciplinary proceedings. The writ petition was disposed of only with an observation to the effect that as approval has been granted by the competent authority to the Board towards initiation of disciplinary proceedings against the appellant, the grievance of the writ petitioners stands redressed.

The order, in our opinion, cannot be construed to have caused any prejudice to the interest of the appellant and in view thereof, no interference is called for in the present appeal.

It is, however, made clear that the appellant would be at liberty to challenge the sanction granted by the competent authority towards initiation of the

disciplinary proceedings *vide* memo dated 9th June, 2025 and urge issues connected therewith before the appropriate forum, in accordance with law and the acceptance of the provisional pension, if disbursed in the meantime, would not prejudice his rights and contentions in the said proceedings.

With the above observations and directions, the appeal and the connected application are disposed of.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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