

MAT 1901 of 2023

(Subhas Chandra Patra
Vs.
State of West Bengal & Ors.)

Mr. Kamalesh Bhattacharya
Mr. Ashim Kr. Halder
Mr. Anirban Saha

... For the appellant

Mr. Gourav Das

..... For the State respondents

Mr. Subrata Ghosh
Mr. Sayantan Hazra

..... For the respondent nos. 6 to 12

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging a judgment dated 24th August, 2023 passed by the learned single Judge in the writ petition being WPA 9315 of 2019 which was preferred by the writ petitioner/appellant herein primarily praying for issuance of necessary direction against the respondent nos. 8 to 12 in the writ petition to allow the appellant to resume and to discharge his duties as Headmaster of Bora Junior High School (hereinafter referred to as the said School).

Records reveal that the appeal came up before a coordinate Bench of this Court on 12th October, 2023 when it was observed, *inter alia*, that there is no scope of passing any interim order, at this stage and parties were directed to file informal paper books. Pursuant to such direction, paper books have been filed.

In course of hearing of the matter, again on 1st April, 2026, this Court was apprised by Mr. Das, learned advocate appearing for the State respondents that the directions contained in the judgment impugned upon CID, have already been complied with and a chargesheet has also been filed. In view thereof, nothing survives to be decided in the present appeal. A status report filed annexing the said chargesheet, as filed was kept on record. A copy of the said report was handed over to Mr. Bhattacharya, learned advocate appearing for the appellant and he prayed for an adjournment to avail necessary instruction.

Mr. Bhattacharya submits that the CID report, which was filed and considered by the learned single Judge, would reveal that certain documents were placed before the Question Document Examination Bureau (QDEB), CID, West Bengal for comparison of the handwriting of one Uday Das and the QDEB arrived at a finding that in the absence of the original letter dated 5th January, 2018, opinion could not be given. On the basis of such incomplete report, the learned single Judge erroneously observed that in the absence of the original letter *‘the Adverse Presumption goes against the petitioner’*.

Mr. Das denies and disputes the contention of Mr. Bhattacharya and submits that the preliminary enquiry report which was placed before the learned

single Judge, was not challenged by the appellant and considering the facts and circumstances of the case, the learned single Judge rightly directed the CID authorities to lodge an FIR within a specified period and to investigate.

Mr. Subrata Ghosh, learned advocate enters appearance on behalf of the respondent nos. 6 to 12.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Pursuant to the order passed by the learned single Judge, the CID authorities upon lodging an FIR, had already conducted an investigation and submitted a chargesheet being Chargesheet No. 177 of 2024. In view thereof, part of the judgment impugned has already been acted upon.

In paragraph 29 of the impugned judgment, it has, however, been observed that *‘after completion of the criminal trial if the result goes against the petitioner then the jurisdictional criminal court who shall conclude the trial shall refer the matter before the jurisdictional magistrate to take cognizance against the petitioner for perjury’*. Such direction is not supported with appropriate reasons and appears to be prejudicial to the appellant. Accordingly, such direction contained in paragraph 29 of the said judgment, shall stand expunged. However, it is made clear that in terms of

the judgment impugned, appropriate steps shall be taken for expeditious disposal of the criminal trial which has already commenced, without granting any unnecessary adjournment to the parties and without being influenced by the observations in the judgment impugned as well as in the order passed by this Court.

With the above observations and directions, the appeal and the connected applications if any, 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.)