

06.03.2026
Sl. No.31
Ct. No.14
gd

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

WPA/23690/2025
PALLAB HALDER

VS

STATE OF WEST BENGAL AND ORS.

Mr. Anindya Bose
Mr. Santanu Maji
Mr. Subhayu Das
Ms. Debrani Mandal
Ms. Raina Das

...for the Petitioner.

Mr. Biswajit De

...for the State.

Mr. Supriyo Chattopadhyay, AGP
Ms. Iti Dutta

...for the Respondent Nos.4 and 5.

1. By the present writ petition the petitioner seeks for setting aside of order of suspension issued by Chairman, District Primary School Council, Dakshin Dinajpur vide Memo No.2468/1(9) dated 26th March, 2025.
2. The petitioner contends that a suspension order has been issued against the petitioner pursuant to the criminal proceedings being Balurghat P.S. case No.204 of 2025 dated 19th March, 2025 under Sections 221/223/132/3(5) of BNS, 2023. After the issuance of suspension order, no disciplinary proceedings has been initiated till date. Upon completion of investigation charge-sheet has already been submitted. On 11th June, 2025 the petitioner made a representation before the Chairman, District

Primary School Council, Dakshin Dinajpur seeking permission to resume his duties. However, no steps has yet been taken. Hence this writ petition.

3. Mr. Anindya Bose, learned Advocate for the petitioner submits that a delinquent cannot be put under suspension for an indefinite period. To buttress his contention, he relies on the decision of Hon'ble Supreme Court passed in ***Ajay Kumar Choudhary versus Union of India through its Secretary and Another*** in ***(2015) 7 SCC 291***. He seeks that the matter be relegated to the authority to take decision in accordance with law.
4. By order dated 13th February, 2026 the respondent no.4, District Primary School Council, Dakshin Dinajpur was directed to file a report. Ms. Iti Dutta, learned Advocate appearing for the Council submits that it shall not file any report in the event the matter is sent to the appropriate authority for due consideration.
5. In view of such submission, respondent no.5, the Chairman, District Primary School Council, Dakshin Dinajpur is directed to consider the representation of the petitioner dated 11th June, 2025 and dispose of the same by passing a reasoned order in accordance with law upon notice to the petitioner within a period of twelve weeks from the date of communication of this order. In the event, the petitioner is found to be

entitled, then necessary consequential steps be taken accordingly.

6. The petitioner is at liberty to produce all relevant documents before the authority concerned at the time of hearing.
7. The reasoned shall be communicated to the petitioner within one week from the date of passing of such reasoned order.
8. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, the Chairman, District Primary School Council, Dakshin Dinajpur for necessary action.
9. With the above direction, the writ petition being **WPA 23690 of 2025** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. 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.)