

Item No.46
13.02.2026
Court. No. 6
(gc)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 165 of 2026

Bhaskar Paul
Vs.
The State of West Bengal & Ors.

Mr. Uday Sankar Sarkar

...for the Petitioner.

Mr. Hirak Barman,
Mr. Bikash Singha

...for the State.

1. Affidavit-of-service is taken on record.
2. The petitioner prays for withdrawal of the order of suspension which was issued in terms of Rule 6-1(c) of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of teacher and non teaching staff) Rules, 2018, in contemplation of a disciplinary proceeding and for a free and fair enquiry into the case.
3. The petitioner was serving as a teacher of Loknathpur High School, Alipurduar. A criminal case was started against the petitioner against the petitioner under the POCSO Act. The petitioner contends that the order of suspension was issued on December 2, 2025 for the sake of a free enquiry.

The police investigation is over and charge-sheet has been filed on January 29, 2026. The petitioner may be allowed to join back his service. The purpose of suspension of the petitioner no longer exists.

4. The West Bengal Board of Secondary Education is the answering respondent. The Board does not appear despite service.
5. The petitioner is guided by the Rules of 2018. The petitioner was suspended in contemplation of a disciplinary proceeding. Thus, the completion of the criminal investigation cannot be a ground to revoke the order of suspension. The employer is within its right to proceed against the petitioner under the applicable service rules. However, it is also a well-settled principle of service jurisprudence that, an employee cannot be kept under suspension for an unlimited period, as prolonged suspension becomes an order of punishment itself.
6. Under such circumstances, it is directed that if the disciplinary proceeding is not initiated within a period of two months from the date of communication of this order by the appropriate disciplinary authority, in that event, the petitioner may renew his prayer, which will be considered in

accordance with law and also upon taking into account the progress in the trial.

7. Accordingly, the writ petition is disposed of.
8. There shall be no order as to costs.
9. The petitioner is directed to communicate this order to the School Authorities as well as the West Bengal Board of Secondary Education.
10. The parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)