

28.01.2026
Ct. No. 18
Sl. No.36
skg

WPA 10175 of 2024

Pranab Kumar Roy
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu,
Mr. Suman Banerjee,
Ms. Oindrila Ghosal,
...for the petitioner.

Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Shamim Ul Bari,
Mr. Parikshit Goswami,
...for the State respondents.

Mr. Shambhu Manna (Asst. teacher)
Mr. Subrata Halder (Asst. teacher)
... in person on behalf of the School.

1. The petitioner was serving as an assistant teacher of the school. He was arrested in connection with a criminal case on 2nd June, 2012 and stood suspended by the school on 3rd June, 2012. He was released on bail and permitted to join the school on 5th July, 2014.
2. The case made out by the petitioner is that, despite permission to join school, he was not allowed to enter the school premises; rather prevented at the gate of the school by outsiders and strangers. He was physically assaulted in front of the school gate for which he lodged complaint before the Tamluk Police Station giving rise to Tamluk PS case no. 420 of 2014.

3. An enquiry was conducted through the District Inspector of Schools (S.E.) Purba Medinipur and the enquiry report dated 17th March, 2015 is annexed at page 73 of the writ petition.
4. It appears therefrom that on the date of enquiry the petitioner was absent though he was informed to be present. At the time of discussion with the staff it revealed that more than 500 persons including men and women gathered in front of the school gate before the enquiry team could reach the school. Those persons protested with slogans on loud speakers against the petitioner so that he does not enter the school and join service. The petitioner was threatened with dire consequences.
5. At the time of enquiry, the teacher in-charge and the Assistant Head Master and Secretary of the Managing Committee disclosed that they have no objection if the petitioner joins the school but the local situation was completely against his joining. The representatives of the school also expressed their apprehension that the life of the petitioner may be in danger if he tries to enter the school for joining.
6. The head master of the school was also under suspension on the day of the enquiry. The representatives of the school expressed their opinion that the petitioner ought to take transfer to any other

school for continuing his service and drawing arrears of salary.

7. The West Bengal Board of Secondary Education also communicated to the District Inspector of Schools to take necessary steps so that the petitioner gets his due salary and performed his duty in the school.
8. The representatives of the District Inspector of Schools opined that the petitioner should be allowed to join the school and his arrear salary should be released in his favour. The school also opined that his service should be regularized and his security should be ascertained.
9. Despite such enquiry report, the petitioner neither could join the school nor did he get his arrear salary. He filed a writ petition before this Court being WPA no. 18649 (w) of 2015 wherein direction was passed upon the Commissioner of School Education to consider the petitioner's prayer.
10. In compliance thereto the Commissioner of School Education passed a reasoned order on 27th June, 2016 opining that the school authority should cooperate and show utmost sincerity so that the petitioner can resume his duty. The school was directed not to engage any unapproved casual person for taking classes in place of the petitioner. Direction was passed for releasing the arrear subsistence allowance/salary in accordance with law. The

Commissioner of School Education also opined that the petitioner may avail the benefit of transfer.

11. Despite such direction, the petitioner was unable to join and has not been paid his salary. The petitioner stood convicted vide judgment dated 18th April, 2018 and he is in jail custody till date.
12. The submission is that the family of the petitioner is suffering from acute financial crisis. Prayer has been made to direct the respondent authorities to release the admissible dues of the petitioner, more particularly, the arrear salary for the period which the petitioner was unable to join i.e. from 5th July, 2014 till 17th April, 2018.
13. The school is represented by the Assistant Teachers, Mr. Shambhu Manna and Mr. Subrata Halder. It has been submitted that as the petitioner did not join the school and did not sign the attendance register, he has been treated as unauthorisedly absent.
14. Learned Advocate representing the State respondents submits that till the claim of the petitioner is forwarded by the school, upon regularizing the leave, payment cannot be made to the petitioner.
15. From the documents annexed to the writ petition and submissions made in Court it appears that the petitioner, for some reason whatsoever, was unable to attend the school. The fact that the petitioner did not

deliberately absent himself from school is evidently clear from the enquiry report dated 17th March, 2015 and the order of the Commissioner of School Education dated 27th June, 2016. The fact that the petitioner's life was under threat is also implicit.

16. The school was all along aware about the reason for which the petitioner could not attend school to sign the attendance register. The school also opined that the petitioner's arrear salary should be released to save the family members from financial crisis.
17. Under such circumstances, the petitioner is directed to make a formal application for leave for the period during which he claims the was unable to attend school. The school is directed to forward all documents to the West Bengal Board of Secondary Education for taking a decision in connection with the prayer of the petitioner for regularizing his absence and releasing his arrear salary for the period the petitioner was unable to attend his duty.
18. The Board shall take a decision in the matter upon giving an opportunity of hearing to all the necessary parties and on verification of documents produced by them.
19. As the petitioner is in jail custody he may be permitted to appear virtually for the hearing if the jail authority is able to provide link to the petitioner. If

virtual appearance of the petitioner is not feasible, then he may be permitted to be represented by his wife/daughter.

20. Since the West Bengal Board of Secondary Education is not a party in the instant writ petition and the presence of the Board will be very much required for effective adjudication of the lis, hence, leave is granted to the Advocate on record of the petitioner to implead the Board as party respondent in the instant writ petition and serve a copy of the writ petition upon the added respondent.

21. The challenge made by the petitioner to the provision of the West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981 is left open.

22. Relist the matter for further consideration on 16th March, 2026. The decision of the Board shall be placed before this Court on the adjourned date.

23. The admitted provident fund dues of the petitioner, if any, shall be released prior to the adjourned date.

24. The wife of the petitioner is granted leave to communicate this order to the jail authority for compliance. The jail authority shall render all cooperation so that the petitioner may be provided the link to virtually attend the hearing to be conducted by the Board.

25. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.
26. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)