

ITEM NO.2

COURT NO.6

SECTION XVI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10656/2004

(From the judgement and order dated 23/03/2004 in MAT No. 3528/2003
of The

HIGH COURT OF CALCUTTA)

MAHADEB BHATTACHARYYA

Petitioner(s)

VERSUS

HEADMASTER RABINDRA S.VIDYANIKETAN & ORS

Respondent(s)

(With prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

Date: 14/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)

Mr. Chanchal Kumar Ganguli, Adv.

For Respondent(s)

Mr. Pijush K. Roy, Adv.

Mr. G. Ramakrishna Prasad, Adv.

Mr. Avijit Bhattacharjee ,Adv

Mr. Vikas Kr. Gupta, Adv.

Mr. Saumya Kundu, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal being devoid of merit, we see no reasons to interfere.
Appeal stands dismissed in terms of the signed order.

(Ravi P. Verma)

Court Master

(Anand Singh)

Court Master

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[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 761 OF 2007

[Arising out of SLP(C) No.10656/2004]

MAHADEB BHATTACHARYYA

APPELLANT

(S)

Versus

HEADMASTER, RABINDRA

RESPONDENT

SMRITI VIDYANIKETAN &

(S)

ORS.

O R D E R

Leave granted.

Heard the parties.

The appellant was working as assistant English teacher in Rabindra Smriti Vidyaniketan. By Board's resolution dated 04/05/2002, a decision was taken to institute a departmental enquiry on nine grave charges levelled against the appellant. Thereafter, the appellant was placed under suspension on 25/09/2002. The appellant carried the order of suspension unsuccessfully before the single Bench and the Division Bench of the High

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Court. Aggrieved thereby, this appeal is filed by special leave.

The school is government sponsored institution (secondary). Rules have been framed for Management of Sponsored Institutions (Secondary), 1972. Rule 23 of 1972

Rules empowers the Managing Committee to appoint, to
remove or dismiss teachers and other employees. We are,
therefore, clearly of the view that the power to remove or
dismiss also includes the power to suspend.

The appeal being devoid of merit, we see no reasons
to interfere. The appeal stands dismissed.

.....J.

(H.K. SEMA)

New Delhi;

.....J.

February 14, 2007.

(B. SUDERSHAN REDDY)