

ADS/L. 3.
November 19, 2020.
MNS.

W. P. A 7190 of 2020
With
IA NO: CAN 1 of 2020
(Via video conference)

Mohiuddin Yousuf
Vs.
State of West Bengal and others

Mr. Prosenjit Mukherjee,
Mr. Jahangir Hossain

... for the petitioner.

Mr. Moloy Kumar Singh,
Sk. Md. Masud

...for the State.

Mr. Subir Sanyal,
Mr. Ratul Biswas,
Mr. Sagnik Roy Chowdhury

...for the Board.

Mr. Bhaskar Ghosh

...for the Council.

By an order dated March 17, 2020
(Annexure- P/7 at page- 46 of the writ petition), a
second communication, apparently issued by the
appellate authority itself subsequent to its earlier
order disposing of the petitioner's appeal, speaks
about to transfer of the already disposed-of
appeal to the S.P.I.O.(RTI) of West Bengal Board
of Primary Education for necessary action "as a
public authority".

Upon hearing learned counsel appearing for all the parties, it is clear that the order dated March 17, 2020 disposed of the petitioner's appeal finally and directed the S.P.I.O.(RTI) to dispose of the petitioner's application within a limited period. As such, there was no scope for further hearing of the appeal or any order being passed again therein.

In any event, the impugned communication (Annexure- P/8 at page- 47 of the writ petition) dated June 29, 2020 is as vague as it can be. Such document can only be construed to be a direction in terms of the appellate authority's previous order dated March 17, 2020, directing the documents/records, if any, to be transmitted to the public authority, which had been directed to dispose of the matter by the appellate authority.

As such, there is no scope for interference in the present writ petition, as impugned communication dated June 29, 2020 cannot be treated to be a valid order passed in the already disposed of appeal of the petitioner and, in any event, does not affect the petitioner adversely in any manner whatsoever.

Accordingly, W.P.A 7190 of 2020, along with IA NO: CAN 1 of 2020, is disposed of without

any order as to costs in the light of the aforesaid observations.

The parties are directed to act on the server copies of this order as and when uploaded in the official website of this Court. That apart, the petitioner is granted liberty to communicate the gist of this order to the respondents even without waiting for such server copy to be uploaded and the respondents are directed to act upon the same.

(Sabyasachi Bhattacharyya, J.)