

ORDER SHEET

WPO/298/2020
IA No: GA/1/2020
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF:
DR. SUKHENDU PRASAD RAY
VERSUS
WEST BENGAL BOARD OF SECONDARY EDUCATION AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 9th October, 2020.

Appearance:
Mr. Ranajit Chatterjee, Adv.
. . .for the petitioner.
Ms. Koyeli Bhattacharyya, Adv.
. . .for the respondent.

The Court: This writ petition has been filed alleging that the West Bengal Board of Secondary Education did not comply with the several orders of this Court which were passed way back on January 24, 2012 and thereafter on February 14, 2020.

Mr. Chatterjee submits that despite there being a mandatory direction upon the Board and a time frame fixed by this Court the West Bengal Board of Secondary Education has flouted the orders recklessly and have remained inactive and silent for such a long period. He further submits that due to such inaction, the petitioner has suffered irreparable loss and injury and the Board is liable to compensate the petitioner.

Ms. Bhattacharyya, learned advocate appearing on behalf of the Board submits that there has been delay, but according to her, once the order dated

February 14, 2020 was passed, the Board had prepared itself to comply with the order of the Court, but due to the pandemic situation, such plan to have a hearing was frustrated. Ms. Bhattacharyya has submitted that when the lock down was eased, by a letter dated July 31, 2020, the Assistant Secretary of the West Bengal Board of Secondary Education intimated the petitioner that hearing would be held after normalization. Today, it is submitted that the petitioner was called on October 6, 2020 for the hearing, but due to the absence of the school authorities, the hearing could not be held and was adjourned. It is directed that the next date of hearing should be fixed within a week after reopening of the office of the Board after the ensuing puja vacation. The school authorities shall participate in the proceeding and produce all the documents as may be required by the Board in this regard. Forty eight hours prior notice shall be given to the parties intimating the date of hearing. As the petitioner is suffering from terminal illness and is going to Vellore for treatment, the Board shall allow the petitioner's representative/advocate to represent the petitioner at the hearing.

With the above directions, the writ petition is disposed of. It is made further clear that the reasoned order as directed by this Court shall be passed by the Board not later than November 30, 2020, and communicated to all parties.

Writ petition and the connected application is disposed of.

(SHAMPA SARKAR , J.)