

Items 14-01-2021
2-5
&
10-12 Ct. 12

MAT 14 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

Atanu Pochali & Anr.
Versus
State of West Bengal & Ors.

And

MAT 15 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

Sumita Ghosh @ Sumita Roy & Ors.
Versus
State of West Bengal & Ors.

And

MAT 18 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

Hafijul Sk. & Ors.
Versus
State of West Bengal & Ors.

And

MAT 22 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

Reshma Chatterjee & Ors.
Versus
State of West Bengal & Ors.

And

MAT 56 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

Sk. Abdul Mannan & Ors.
Versus

State of West Bengal & Ors.

And

MAT 57 of 2021

With

CAN 1 of 2021

With

CAN 2 of 2021

Alak Roy & Ors.

Versus

State of West Bengal & Ors.

And

MAT 58 of 2021

With

CAN 1 of 2021

With

CAN 2 of 2021

Anup Pati & Ors.

Versus

State of West Bengal & Ors.

(Through Video Conference)

Mr. Sakya Maity, Adv.

Ms. Malyasree Maity, Adv.

Mr. Shanka Maity, Adv.

Mr. Subhas Jana, Adv.

Ms. Sneha Dutta, Adv.

...for the appellants in MAT 14/2021 & MAT 15/2021

Mr. Shamit Sanyal, Adv.

Mr. Gopal Das, Adv.

...for the petitioners in MAT 56/2021, MAT 57/2021 &
MAT 58/2021

Mr. Ramaprasad Sarkar, Adv.

...for the petitioners in MAT 22/ 2021

Ms. P. Banerjee, Adv.

...for the petitioners in MAT 18/ 2021

Mr. L.K. Gupta, Sr. Adv.

Mr. Subir Sanyal, Adv.

Mr. Ratul Biswas, Adv.

...for the W.B. Board of Primary Education

In all these matters, the applicants have prayed for leave to prefer appeals against the order passed by the learned Single Judge on January 5, 2021 in a batch of writ petitions.

These applications for leave to prefer appeal are like putting the cart before the horse. The applicants have filed these applications for leave to prefer appeal on the ground that the learned Single Judge by the order dated January 5, 2021 directed the Secretary, West Bengal Board of Primary Education to allow the petitioners covered by the said order to submit applications off-line pursuant to the notification dated December 23, 2020 and such applications were directed to be duly considered during the recruitment process provided the writ petitioners submit their applications by January 8, 2021 though the notification specifies that the applications should be submitted by January 6, 2021.

The basis of the judgment impugned herein appears to be that the said writ petitioners approached the learned Single Judge on or before January 6, 2021, which was the cut off date in terms of the notification dated December 23, 2020.

We are at a loss to understand how the prayer for leave to prefer appeals could be entertained, when the learned Single Judge has decided the matters in which the presence of the present applicants were not necessary. The applicants were neither necessary nor proper parties in several writ petitions in which order dated January 5, 2021 was passed.

It is argued on behalf of the applicants that they are similarly placed as that of the writ petitioners, who have been benefited by the order dated January 5, 2021. Nothing prevented the present applicants to approach the learned Single Judge for similar reliefs if they feel that they are similarly placed.

In view of the fact that the present applicants are neither

necessary nor proper parties in the writ proceedings disposed of by order dated January 5, 2021 and in deciding those writ petitions their presence were required or the order passed in the said writ proceedings are likely to affect or has affected the present applicants in any way, we are not inclined to grant leave to prefer appeals against the order dated January 5, 2021 leaving it to the applicants to pursue their remedies in accordance with law. More so, we are of the firm opinion that the applicants are not “persons aggrieved” who can file these applications for leave to prefer appeal.

We, however, make it clear that we have not gone into the merits of the matter.

The applications for leave to appeal are, thus, dismissed.

In view of dismissal of the applications for leave to prefer appeal, the memoranda of appeal and the connected applications for stay are rejected.

There will be no order as to costs.

Let photostat plain copies of this order duly countersigned by the Assistant Registrar (Court) be made available to the learned advocates for the parties for taking steps in the matter.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)