

Items	14-01-2021	MAT 51 of 2021
6 & 7		With
		CAN 1 of 2021
	Ct. 12	With
		CAN 2 of 2021
sg		Moumita Dutta & Ors.
		Versus
		State of West Bengal & Ors.

And

MAT 52 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

Susanta Singha Madak
Versus
State of West Bengal & Ors.

(Through Video Conference)

Mr. Saugata Mitra, Adv.
Ms. Ankita Dey, Adv.
Mr. Rameswar Sinha, Adv.
...for the appellants

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 7, 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 7, 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 7, 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 7, 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 7, 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 7, 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.)