

DL. February
48. 4, 2021

Through Video Conference

M..A.T. 77 of 2021

Mr. Ekramul Bari,
Mr. Dilip Ghosh,
Mr. Kumaresh Dalal,
...for the appellants.

Mr. Partha Sarathi Bhattacharya,
Mr. Arunava Maiti,
Mr. Raju Bhattacharya,
...for the writ petitioner/respondent.

Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta,
...for the State respondents.

Re: CAN 1 of 2021 (stay)
filed on January 19, 2021.

Although the matter is appearing under the heading “application”, by consent of the parties, the appeal itself is taken up for consideration.

We are at a loss to understand as to how the school is affected by the order. There cannot be any doubt that the resolution, by which the case of the respondent no. 8 in the writ petition was considered, was cryptic and, as such, not sustainable in law. In the aforesaid background, the learned Single Judge directed the school authorities to convene a meeting and to take a fresh decision towards appointment of a competent person as teacher in-charge of the school in question.

Mr. Ekramul Bari, learned advocate appearing on behalf of the appellants, submits that a meeting was convened on

January 16, 2021, when the writ petitioner/respondent raised an objection to the effect that the said meeting could not be convened.

We are not concerned with any objection that is raised by the writ petitioner/respondent against the notice. The school is bound by the direction passed by the learned Single Judge and is required to take a decision on the issues as framed by the learned Single Judge in the order impugned.

The school does not require any confirmation from this court with regard to the matters to be discussed in relation to the implementation of the order of the learned Single Judge. The said issue is not before us and it is not proper for us to make any observation on such notice which, we are informed, is challenged in a separate writ petition.

We, however, make it clear that having regard to the order passed by the learned Single Judge, the school should take a decision afresh towards appointment of a competent person as teacher in-charge of the said school.

With the aforesaid observations, the appeal and the application for stay stand disposed of.

There will be no order as to costs.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)

