

1.12.2021
SL No. 27
Court No. 15
amr

WPA 2196 of 2018

Kaimari Junior High School & Anr.

Vs

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Debabrata Mondal

Ms. Sreetoma Neogi

.....For the petitioners

Mr. Pinaki Dhole

Ms. Kakali Samajpati

Mr. Pramit Chakraborty

.... For the State

Today when the writ petition is taken up for hearing, Mr. Debabrata Mondal, learned advocate appears on behalf of the writ petitioners and prays for accommodation on the ground of senior advocate who is not present in Court today. On perusal of the orders passed by this Court on several occasions, it appears that the writ petition was taken up for hearing first on 25th June, 2018, when the writ petitioner remained unrepresented and subsequently again taken up for hearing on 26th June, 2018 when writ petitioner was represented before this Court but an adjournment was sought for on the ground of senior advocate. Subsequently again the writ petition was taken up for hearing on 3rd July, 2018 when no one

represented the writ petitioner as a result whereof the matter was directed to go out of list. Again the writ petition was taken up for hearing on 6th January, 2021 when an adjournment was prayed for on behalf of the writ petitioners and matter was directed to be listed in the monthly list of February, 2021. It also appears that on 12th March, 2021 there is an agreement between the parties to exchange affidavits in connection with the present writ petition and accordingly direction was given by this Court to exchange affidavits within certain time and matter was directed to be listed in the monthly combined list for the month of June, 2021.

Today writ petition has come up in the list upon mentioning by the learned advocate representing the writ petitioner when Mr. Mondal has prayed for adjournment again on the ground of senior advocate which is turned down by this Court in view of adjournments sought for on behalf of the writ petitioner on number of occasions previously when the writ petition was taken up for hearing. State respondents are represented by Mr. Pramit Chakraborty, learned advocate.

This Court has heard Mr. D. Mondal, learned advocate representing the writ petitioner.

On hearing the writ petition and on perusing the relevant documents annexed to this writ petition, it appears that writ petitioner is the Secretary of Managing Committee of Kaimari Junior High School, District-Coochbehar. Primary grievance of the writ petitioner is against the memo dated 6th September, 2017 issued by the President of the West Bengal Board of Secondary Education being No. 128/Press/17 whereby it has been communicated on behalf of the Board to the writ petitioner that the school in question was permanently recognized by the West Bengal Board of Secondary Education without any financial assistance/grant from the Government of West Bengal and without any obligation on the part of the State Government to regularise the service of the teaching and non-teaching staff of this school, if any, or without any obligation for any payment of wages or salary from the Government of West Bengal. In addition thereto, one memo dated 14th December, 2015 issued by the District Inspector of Schools (SE), Coochbehar has also been brought to the notice of the Court wherein it was noticed by the District Inspector of Schools that the school in question had already been recognised as four class Junior High School by the Board vide memo dated

19th June, 2013 without any financial assistance for two years. Later on its recognition has been extended up to 31st December, 2017 by the Board vide memo dated 17th July, 2015.

On joint reading of these two memoranda one issued by the Secretary of the Board and another by the concerned District Inspector of Schools, it appears that that school in question was initially an organizing school which was recognised as four class Junior High School vide memo dated 19th June, 2013 and such recognition was extended up to 31st December, 2017 by the Board. Ultimately it has been unequivocally stated by the President of the Board in his memo dated 6th September, 2017 that the School in question has been permanently recognised.

Since it has already been decided by the President of the Board that the School in question has been permanently recognised this Court fails to understand the nature of the grievance of the writ petitioner who has claimed to be the Secretary of the Managing Committee of the said School. In view of grant of recognition in favour of the said School on permanent basis, nothing remains to be decided and the writ petition is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order,
if applied for, be given to the parties upon usual
undertakings.

(Saugata Bhattacharyya, J.)