

25 24.11.21
 Ct. No. 4
 Ab/Saswata

MAT 1669 of 2019
With
IA No. CAN 1 of 2019
(Old no. CAN 11283 of 2019)

*The Managing Committee,
Champahati K.P.C. Balika Vidyalaya (HS) & Ors.*
Vs.
Smita Paul & Ors.

Mr. Atarup Banerjee
Ms. Saswati Adhikary
....for the Appellants

Mr. Biswarup Biswas
Mr. Gora Chand Samanta
... for the respondent no. 1/
writ petitioner

Mr. Suman De
... for the State

The instant appeal is at the behest of the managing committee of the school challenging the order dated 7th November 2019 passed in WP 16984 (W) of 2019 by which the writ petition was disposed of directing the President and the Headmaster of the appellant/school to consider the issue relating to the issuance of the No-objection Certificate to the private respondents/writ petitioner for general transfer.

Learned Advocate appearing for the appellants is very much vocal in his submission that several benefits were extended to the private respondent/writ petitioner upon issuance of the No-objection Certificate for general transfer but she decided not to avail herself the benefit thereof. It is

further submitted that the school is running with the shortages of teacher, more particularly the English stream and it would impede the education of the students of the said school.

We are unable to persuade ourselves to go into such aspect, as the Single Bench has not passed a direction upon the school authorities to issue No-objection Certificate. What has been directed is to consider the application of the private respondent/writ petitioner pertaining to the issue of the No-objection Certificate for general transfer and, therefore, we do not find that prejudice is caused to the appellants so as to make a person aggrieved.

The pivotal issue in the writ petition was not only the non-consideration of the application filed by the private respondent/writ petitioner seeking general transfer, but also dereliction on the part of the school authorities in not issuing the No-objection Certificate. The writ petition was disposed of by the Single Bench without deciding such issue and directing the authorities to take a decision on the merit and in accordance with law, which does not tantamount to foreclosure of the rights of the parties nor can be construed to affect the rights of the parties in any manner.

The impugned order appears to be innocuous and, therefore, we do not find the appellants to be the aggrieved person.

Accordingly, the appeal being MAT 1669 of 2019 is dismissed.

For abundant precaution, the observations made hereinabove shall not have any persuasive effect at the time of taking a decision in compliance with the direction passed by the Single Bench in the impugned order.

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In view of the dismissal of the appeal, the connection application has become infructuous and the same is accordingly dismissed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)