

16.12.2021

Court No. 1,
Item No. 6
PJ/SK

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI.**

**M.A.T. 18 of 2021
(Via Video Conference)**

**The President West Bengal Board of Primary
Education**

Vs.

Chinmoy Dey & Ors.

Mr. Debabrata Dhar, Sr. Adv.,
Mr. Prodyot Kumar Roy,
Mr. Ankan Mitra,
Ms. Paramita Saha
....for the appellants.

Mr. Sanjib Dawn,
Mr. Ajay Kumar Singhanian
... For the respondents.
Mr. Subir Kumar Saha,
Mr. Bikramaditya Saha ... For the State.

We have heard the learned counsel for the parties and by consent of the parties, the appeal is dismissed on the following terms:

The appeal is arising out of an order dated January 22, 2021 by which the respondent no. 2 and the respondent no. 7 were asked to pay costs to the District Legal Services Authority, Jalpaiguri within February 5, 2021. The learned Single Judge was irked by inaction on the part of the concerned authorities to file reports in the form of affidavits and there has been non-compliance of the earlier order passed by this Court.

Mr. Debabrata Dhar, learned counsel appearing on behalf of the appellant has submitted that the report is ready and such report can be filed along with the said petition.

Be that as it may, it appears that the report was not available before the learned Single Bench when the writ application was taken up for consideration on January 22, 2021.

It cannot be also disputed by the respondent no. 2 or respondent no. 7 were earlier directed to file report in the form of affidavit by an order dated November 11, 2019 and were not ready to file such affidavit on 22nd January, 2021.

The conduct of the appellant is completely unsatisfactory and the observations made by the learned Single Judge with regard to the conduct of the appellant clearly justify the imposition of costs.

However, having regard to the submission made by Mr. Dhar that the report was made ready subsequently, we dispose of this appeal by directing the appellant to file an affidavit along with the report before the learned Single Judge on or before Monday (20.12.2021) upon prior service to the said affidavit.

Costs to be deposited by Monday, i.e. 20.12.2021 failing which the report should not be accepted.

The matter may be listed before the appropriate Bench having the determination on Tuesday (21.12.2021).

M.A.T. 18 of 2021 is disposed of accordingly.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)