

Court No. 17

WPA 3855 of 2018

26.04.2022

(AD 2)

(S. Banerjee)

Sri Pradip Kumar Chatterjee
Vs.
The State of West Bengal & Ors.

with
CAN 2 of 2019
(Old CAN 8141 of 2019)

CAN 3 of 2019
(Old CAN 8142 of 2019)

Mr. Sanjib Kumar Mukhopadhyay

... for the petitioner

Mr. Subhas Jana

... for the respondent nos. 5 and 6

Let the affidavit of service filed in court today be kept with the record.

The grievance of the writ petitioner in this matter is that though his ancestor donated the land for setting up a school whereupon a school, namely Behala High School, was established, he has not been included in the Managing Committee though there is a provision in a government memo that there should be one member in the Managing Committee from the donor's family.

This writ application was dismissed for default on 03.07.2018. Thereafter the petitioner filed one restoration application, being CAN 5326 of 2018, which was also dismissed for default on 02.04.2019.

The petitioner filed another application for recalling the order dismissing the application being CAN 5326 of 2018 and that application no. is CAN 8141 of 2019 (new number being CAN 2 of 2019). This application is before me today. There is also an application for condonation of delay in filing the present recalling application.

Re: CAN 2 of 2019 (Old CAN 8141 of 2019) and CAN 3 of 2019 (Old CAN 8142 of 2019):

I have heard the learned advocate for the petitioner and also for the school on the application, being CAN 2 of 2019 (Old CAN 8141 of 2019) and CAN 3 of 2019 (Old CAN 8142 of 2019).

I also recall the order dated 02.04.2019 dismissing the first application for restoration, being CAN 5326 of 2018.

All these are being done for the ends of justice and for the ends of justice also I recall the order dated 26.06.2018 whereby the writ application, being WP 3855(W) of 2018 was passed.

Place the writ application in its original file and number.

The two applications, being CAN 2 of 2019 (Old CAN 8141 of 2019) and CAN 3 of 2019 (Old CAN 8142 of 2019), are thus allowed.

Re: WPA 3855 of 2018 (Old No. WP 2855(w) of 2018:

I direct the Secretary of the West Bengal Board of Secondary Education to hear the writ petitioner and also the school authority and any State representative to take a decision as to whether the petitioner can get a berth in the Managing Committee under the donor's family category.

The Secretary shall organise the hearing by giving notice to all the persons concerned, as indicated, within a period of three weeks from date and hearing is to be completed by 10 weeks from the date of first hearing.

The decision is to be communicated after the said 10 weeks by the Secretary to all the persons who would appear in the said hearing before the Secretary by two weeks thereafter.

With the above observation and direction, this writ applications stands disposed of.

(Abhijit Gangopadhyay, J.)