

17.01.2022

MAT 899 of 2021

Court : 04
Item : 03
Matter : MAT
Status : DO
Transcriber: nandy

The West Bengal Board of Primary Education
Vs.
Swadesh Das & Ors.

Mr. Lakhi Kumar Gupta, Senior Advocate

Mr. Subir Sanyal, Advocate

Mr. Dwarik Nath Mukherjee, Advocate

Mr. Ratul Biswas, Advocate

.....for the Appellant/Board

Mr. Habibur Rahaman, Advocate

.....for the Respondent No. 1

Mr. Biswabrata Basu Mullick, Advocate

.....for the DPSC, Uttar Dinajpur

Pursuant to the order dated December 23, 2021, the petitioner submitted the documents before the Chairman of the District Primary School Council, which was transmitted to the West Bengal Board of Primary Education for submission of the documents for verification thereof. In compliance with the said order, the writ-petitioner submitted the documents for verification which, in fact, has been done. The report dated January 14, 2022 filed before this Court reveals that the documents are in order and further action required thereupon shall be taken in due course of time.

Mr. Gupta, learned Senior Advocate, appearing for the appellant/Board submits that since the documents have been found in order after verification and the authorities are supposed

to take appropriate action in this regard, the grievance of the petitioner ventilated in the writ-petition has been meted out.

It appears from the impugned order that the single Bench found 12 candidates who have not submitted any document and stood on the same footing that of the writ-petitioner, were given appointments and continuing in service. Probably, this is the reason the single Bench directed the writ-petition to be treated as Public Interest Litigation.

Mr. Gupta, learned Senior Advocate, submits that the Board has communicated that the aforesaid 12 candidates also submitted the documents and upon verification, the documents were found in conformity with the Rules and precisely for such reason they are allowed to continue in service.

In view of the fact, that the petitioner has now submitted the documents, which are already been verified, we do not think that keeping the mandamus appeal pending would subserve any purpose.

Both the parties uniformly submitted before us that there is no purpose of keeping the Public Interest Litigation pending as the grievance of the

petitioner is sufficiently been taken care of in terms of the order passed in the instant appeal and, therefore, this Court can dispose of the said writ-petition as well.

The office is directed to tag WPA 265 of 2019 with the instant appeal. We further finds that any alleged infraction does not invite the Public Interest Litigation to be instituted. There must be a fundamental element for maintaining the Public Interest Litigation.

Since we do not find any element of public interest, the order impugned dated **August 27, 2021** cannot be withstand. The same is hereby **set aside**. The instant appeal is accordingly **disposed of**.

In view of the findings recorded hereinabove, the writ-petition being **WPA 265 of 2021 is also disposed of**.

Office is directed to record disposal of the writ-petition being WPA 265 of 2021 as well in terms of this order.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

