

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(Appellate Side)

MAT 1304 of 2021

With

CAN 1 of 2021

Reserved on: 09.03.2022

Pronounced on: 24.03.2022

Paritosh Kumar Das

...Appellant

-Vs-

The State of West Bengal & Ors.

...Respondents

Present:-

Mr. Atarup Banerjee,
Mr. Aman Krishna Samanta,
Mr. Subhas Jana, Advocates

... for the appellant

Mr. Sk. Md. Galib,
Ms. Subhra Nag, Advocates

... for the State

Mr. Uttar Kr. Bhattacharya,
Mr. R. Chakraborty, Advocates

... for the respondent No. 10

Coram: THE HON'BLE JUSTICE PRAKASH SHRIVASTAVA,
CHIEF JUSTICE
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ,
JUDGE

Prakash Shrivastava, CJ:

1. This appeal is at the instance of the writ petitioner challenging the order dated 30th of November, 2021 whereby WPA 18204 of 2021 has been dispose of with certain directions.

2. The appellant had approached the writ Court with the plea that he is the Secretary of the school, namely Rammanohar Lohia Adarsha Siksha Niketan and that on 27.09.2021 at about 9 A.M. about 30 hooligans had broken the padlock of the collapsible gate of the school and after entering the premises ransacked the rooms school, hostel and administrative office of the school and looted 4 computers, CCTV cameras, fan, water tank and Rs. 18,000/- from the headmaster's room. The police had not responded to the calls, therefore, the appellant had approached the Additional Chief Judicial Magistrate, Contai under Section 156 (3) of the Cr.P.C. and on the direction of the ACJM the FIR was registered but no arrest of the accused was made, hence in the writ petition a direction was sought to arrest the accused persons and command the official respondent to take necessary action for running the school in the smooth manner.

3. In the affidavit in opposition before this Court, respondent No. 10 has taken the stand that the school was established as non-residential primary school in 1996, yearly grant was given by the Government, audit was done and school was running on the plot purchased in the name of the school. The Management had appointed the appellant to look after the management but the appellant had involved himself in various illegal acts and had appointed several persons by taken huge amount of money. One such victim Sourav Jana had made a complaint to the respondent No.10, therefore, the respondent No.10 after discussing with the executive members had visited the school on 27.09.2021 and made inquiries from the appellant and no such incident as alleged took place but the appellant had wrongly lodged the report with the police station. No such incident of loot or breaking upon of the padlock etc. took place on 27.09.2021.

4. The learned Single Judge having regard to the rival stand of the parties has directed the respondent No.9, Purba Medinipur to conduct an inquiry into affairs of the school, its functioning, management, strength etc. and to submit suitable recommendations to the West Bengal Board of Secondary Education and it has been clarified that the Board will be entitled to take step to rectify the existing impropriety in running of the school and to appoint an arbitrator if required. The concerned police in-charge has been directed to continue to maintain a vigil over the school and ensure that there is no breach of peace in that area.

5. A report in the form of communication sent by the Officer in-charge, Ramnagar Police Station, Purba Medinipur to the Government Pleader has been placed on record which indicates that on registration of the FIR, IO had conducted several raids at the house of the FIR named persons, searched their houses at all probable places and found no stolen articles. Some arrests were made and FIR named accuses persons had surrendered and released on bail. The report reveals that at present the school is in open condition and police persons have been deployed round the clock for security purpose to avoid untoward incident and the investigation is under process.

6. In view of the above, the prayer made by the petitioner seeking direction to arrest the accused persons does not survive and the prayer relating to appropriate action for running the school in smooth manner is also taken care of. Having regard to the rival stand of the parties and considering the nature of the controversy in the matter, we are of the opinion that no error has been committed by the learned Single Judge in issuing appropriate direction in the interest of the school and the students.

Hence, no case for interference in the order of the learned Single Judge is made out. The petition is accordingly dismissed.

(PRAKASH SHRIVASTAVA)
CHIEF JUSTICE

(RAJARSHI BHARADWAJ)
JUDGE

Kolkata
24.03.2022

PA(SS)

(A.F.R. / N.A.F.R.)