

S/L 36
01.12.2022
Court. No. 12
Suwayan

WPA 23883 of 2017

**Dilip Kumar Pramanik & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Jayanta Banerjee
Mr. Tara Prasad Halder
Mr. S. N. Sinha Roy
Mr. Sk. Abu Jafar
Mr. Rameswar Sinha
Mr. Shah Jamal Hazra*

...for the petitioners.

*Md. T. M. siddiqui
Mr. Nilotpall Chatterjee*

...for the State.

Mr. Gourav Das

...for the respondent no. 5.

The parties to the instant writ petition are represented by their learned Advocates.

Learned Advocate for the writ petitioners in course of his submission at the very outset draws attention of this Court to the order dated 24.04.2015 as passed in WP 30056 (W) of 2014 by a co-ordinate Bench of this Hon'ble Court, the order dated 29.02.2016 as passed in WPCRC 12 (W) of 2016 by the self-same co-ordinate Bench of this Court in a contempt matter and the order dated 08.07.2016 as passed in SLP (C) No. 15253 of 2006 by the Hon'ble Supreme Court of India. It is submitted that for the reason best known to the respondents the order dated 24.04.2015 has not been complied with by the State/respondents and even in SLP (C) No. 15253 of 2006 before the Hon'ble Supreme Court of India the present petitioner's prayer for impleading petitioners have not

been considered since the said SLP had been dismissed in the meantime. It is, thus, argued that an appropriate order may be passed upon the state/respondents for implementation of the order dated 24.04.2015. Learned Advocate for the respondent No. 5, i.e., District Primary School Council, South 24 Parganas, also places his reliance upon the order dated 08.07.2016 as passed by the Hon'ble Supreme Court of India in SLP (C) No. 15253 of 2006. It is contended by him that in view of the order of the Hon'ble Supreme Court the relief as sought for by the present petitioner has practically become infructuous.

Learned Advocate for the State/respondents in course of his submission adopted the argument of the learned Advocate for the respondent No. 5.

Upon consideration of entire materials as placed before this court and after hearing the learned Advocate for the contesting parties, this Court considers that it would be appropriate if this Court directs the respondent No. 1, i.e., Principal Secretary, School Education Department to consider the prayer of the present writ petitioners treating the instant writ petition as their prayer and after giving an opportunity of being heard to the petitioners herein dispose of the said prayer of the writ petitioners by passing a reasoned order within two months from the date of communication of this order.

It is, however, made clear that all the allegations as made in the writ petition are kept open and this Court has not gone into the merit of the instant writ petition.

With the abovementioned observation, the instant writ petition being WPA 23883 of 2017 is disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)