

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

**12.09.2022
Crt. No.1.
K.B./b.r.
Item No.4**

**MAT 6 of 2021
with
IA No. CAN 1 of 2021**

***Smt. Maya Pyne (Bose)*
-Vs.-
*The State of West Bengal and ors.***

**Mr. Ekramul Bari
Mr. Debjit Kundu
.....for the Appellant.**

**Mr. Subir Kumar Saha
Mr. Bikramaditya Ghosh
.....for the State.**

Party/parties is/are represented in
the order of their name/names as printed
above in the cause title.

Mr. Bari, Learned Counsel appearing
for the appellant, challenges the Order
Impugned dated 21st December, 2020
passed by the Hon'ble Single Bench in WPA
94 of 2022.

The attention of this Court is drawn
to the Order impugned by which the

Hon'ble Single Bench directed the Commissioner of School Education to consider the grievance of the writ petitioner/the present appellant and dispose of the same within a specified period. The Hon'ble Single Bench further observed that the Court has not gone into the merits of the case.

Mr. Bari submits that while on the face of it the Order impugned is merit neutral inasmuch as the merits of the controversy have been left to be decided by the Commissioner of School Education, the nature of the remand to the Commissioner of School Education is inadequate *apropos*, the grievance of the writ petitioner.

In this connection, the attention of this Court is further drawn to Memo No.118/H/S.U and Memo No.389/a/S respectively dated 20th May, 1999 and 14th November, 2000, both being part of CAN 1 of 2021.

The said Memos are the communication of the District Inspector of Schools, Siliguri to the Deputy Director of School Education (G.A.), West Bengal, recommending the case of the writ petitioner.

Mr. Bari submits that both the recommendations deserve to be placed before the Commissioner of School Education.

Mr. Ghosh, Learned Counsel, appears for the State-respondents.

Having heard the parties and considering the materials placed, this Court does not interfere with the Order impugned of the Hon'ble Single Bench, except observing that the parties shall be entitled to place all points before the Commissioner of School Education and the writ petitioner/the appellant shall also be permitted to place the said purported recommendations dated 20th May, 1999 and 14th November, 2000 which shall be

then decided on their own merits by the Commissioner of School Education.

The period granted to complete the above directed exercise is extended till the **end of November, 2022.**

The appellant shall be entitled to be represented by her authorised representative before the Commissioner of School Education.

Since affidavits are not invited, all other allegations are deemed to be denied and disputed.

MAT 6 of 2021 with IA CAN 1 of 2021 stand accordingly **disposed of.**

All parties shall act in terms of the copy of the order downloaded from the official website of this Court

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.) (Subrata Talukdar, J.)