

06 04.9.2023

Ct-08

ar

MAT 39 of 2009
with
I.A No. CAN 1 of 2009 (Old CAN No. 1755 of 2009)
CAN 2 of 2009 (Old CAN No. 7312 of 2009)

Sudha Shankar Roy
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Sk. Imtiaj Uddin
... For the Appellant

Mrs. Tapati Samanta
... For the State

Re: CAN 7312 of 2009
(Condonation of Delay)

1. There is a delay of 4 days in presenting the memorandum of appeal.
2. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the statutory period, we are inclined to condone the delay in presenting the memorandum of appeal.
3. The application for condonation of delay is, thus, allowed without any order as to costs.
4. CAN 7312 of 2009 is thus disposed of.

Re: MAT 39 of 2009

1. We have heard the learned counsel appearing for the parties.

2. The District Inspector of Schools (S.E), Howrah has filed a report. In the report it is

stated that “in compliance with the order dated 25.08.2005 passed by the Hon’ble Justice Girish Chandra Gupta in the W.P No. 19626(w) of 2003, the Director of School Education, West Bengal passed a reasoned order dated 31.07.2006 after conduct a hearing held on 14.02.2006 stating that if the school authority by satisfying all conditions of the Govt. order no. 1691-SE(S), dated 20.09.2001 approaches to the District Inspector of Schools concerned by adopting a resolution in favour of the petitioner after the creation of the vacancy will be caused due to the retirement of Kaushal Kumar Srivastav, M.Com., B.T., w.e.f. 31.08.2007, directing the District Inspector of Schools, Secondary Education, Howrah to take up the case for due verification and checking in terms of the aforesaid Govt. order to give the relief of approval to the petitioner by according such approval from the date of creation of such vacancy in the school for the post of assistant teacher in H.S. Commerce Stream.

Subsequently, the Managing Committee of Shree Hanuman June Mills Hindi High School adopted a resolution dated 16.09.2007 in favour of the petitioner after creation of the said vacancy and submitted relevant papers as per direction of D.S.E., W.B’s memo no. 104/1(5)/1C dated 31.07.2006 for approval of service of Sri Sudha Sankar Roy, M.Com. w.e.f 01.09.2007 in the vacant sanctioned post created after 31.08.2007 due to retirement of Kaushal Kumar Srivastav.

After that the District Inspector of Schools, Secondary Education, Howrah accorded approval vide memo 02/02/LS dated 01.01.2010 in favour of the petitioner w.e.f. 01.09.2007 in H.S. Commerce Stream in the said D.A getting school in

terms of D.S.E., W.B's memo no. 104/1(5)/1C dated 31.07.2006 & Govt. order no. 1691-SE(S), dated 20.09.2001 in compliance with the order dated 25.08.2005 & 28.11.2008 passed by the Hon'ble High Court.(Encl.-1)".

3. The report also disclosed the order of the District Inspector of Schools (S.E), Howrah dated 1st January, 2010.

4. In view of the aforesaid, the grievance of the appellant has been redressed.

5. The appeal is disposed of on the basis of the report filed by the District Inspector of Schools (S.E), Howrah in favour of the appellant. The said report is kept with the record.

6. On such consideration, the appeal being MAT 39 of 2009 is allowed and stands disposed of.

7. In view of disposal of the appeal nothing remains to be decided in the application for stay being CAN 1755 of 2009 and the same is accordingly disposed of.

8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

