

04 16.10.2023

Ct-08

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FMA 1722 of 2016
with
I.A No. CAN 1 of 2016(Old CAN No. 1115 of 2016)

**All Bengal Physical Education Trained &
Trainees Association
Vs.
State of West Bengal & Ors.**

Mr. Sudipta Dasgupta
Mr. Arka Nandi
Mr. Sondwip Sutradhar
... For the Appellant

1. The appellant is aggrieved by the order of the learned Single Judge in which it was held that RTE Act, 2009 does not require a separate teacher for physical education for the first to fifth classes.

2. The matter was in relation to sanction of posts and appointment teachers for physical education having requisite qualification in terms of National Council for Teacher Education Regulation, 2002 for the first to the fifth classes of a school.

3. The appeal was filed on 18.01.2016. Thereafter the matter was never intended to be moved.

4. Learned counsel representing the appellant submits that due to long passage of time the appeal has now become infructuous.

5. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

6. In view of the above, the appeal is accordingly dismissed along with the connected application.

(Uday Kumar,J.)

(Soumen Sen, J.)