

27.07.2023
SL No.129
Court No.8
(gc)

**MAT 917 of 2023
CAN 1 of 2023**

**West Bengal Board of Primary Education & Ors.
Vs.
Ananya Sen**

Mr. Subir Sanyal
Mr. Ratul Biswas,
...for the Appellant/Board.
Mr. Raghunath Chakraborty,
Md. Apzal Ansari,
...for the Respondent/Writ Petitioner.

In view of the non-disclosure of the fact that the writ petitioner was a candidate of the selection process of 2020 relied by the writ petitioner upon the merit list for recommendation of candidates in relation to the selection process of 2016 could not have taken into consideration.

The learned Counsel for the writ petitioner has fairly submitted that this factual aspect of the matter mentioned in Paragraphs 6 and 7 of the stay petition was not brought to the notice of the learned Single Judge and, accordingly, the learned Single Judge has proceeded on wrong assumption of facts.

We appreciate the stand taken by the learned Counsel for the respondent/writ petitioner.

Since the basis of the order is wrong, the impugned order is set aside.

The appeal is allowed.

Accordingly, the appeal and the application are disposed of.

However, there shall be no order as to costs.

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

(Uday Kumar, J.)

(Soumen Sen, J.)