

Court No. 17

WPA 15577 of 2017

16.05.2023

(AD 4)

(S. Banerjee)

Rajendra Prasad Jaiswal & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharya, Sr. Advocate
Mr. Sujit Sankar Koley

... for the petitioners

Mr. B. P. Vaisya
Mr. Biswarup Biswas

... for the State

The petitioners submit that the reasoned order in WP No. 7024(W) of 2016 (Mrs. Surovi Koley & Ors. –Vs- State of West Bengal & Ors.) has been decided wrongly as the said rule in respect of Arya Vidyalaya schools has not been taken care of. Therefore, this order cannot stand.

However, Mr. Biswas, learned advocate for the State, has submitted that this writ application is barred by res judicata. He further submits that this point has been decided up to division bench and there is nothing to be adjudicated in this regard.

However, Mr. Bhattacharya, learned senior advocate for the petitioners, denied the point of res judicata as submitted by Mr. Biswas. He has also submitted that in this respect the division bench has not touched anything on merit in this matter.

However, before entering into this question, I send the matter back to the Commissioner of School Education to decide the matter after hearing the parties and/or their representative, including learned advocates, where the advocates/parties shall have the liberty to raise all points, including the point of res judicata. This matter has to be decided within a period of eight weeks from the date of communication of this order. The reasoned and speaking order to be passed by the Commissioner of School Education, is to be communicated to the parties by two weeks after the expiry of the said eight weeks period.

I set aside the reasoned order, being Annexure P-17 passed by the District Inspector of Schools, Kolkata. However, this does not mean that the contents of this order will be ignored by the Commissioner of School Education.

With the above observation and direction, this writ petition is disposed of.

(Abhijit Gangopadhyay, J.)