

26.09.2023
SL No.52
Court No.8
(Sayandeep)

MAT 1114 of 2022
with
CAN 01 of 2022
with
CAN 02 of 2022

Gouri Shankar Bhattacharya
Vs.
Pinaki Bhattacharya & Ors.

Mr. Shamim-ul-Bari
.... for the appellant

Ms. Kakali Samajpati
Ms. Kakali Naskar
.....for the State

1. This is an application for leave to prefer an appeal along with prayer for stay of operation of the order passed in WPA 3003 of 2020 (**Pinaki Bhattacharya vs. State of West Bengal & Ors.**). Pinaki Bhattacharya filed the writ petition challenging the order passed by the District Inspector of Schools (P.E.), Purba Bardhaman in terms of the compliance of the order dated 19th September, 2019 passed by the Hon'ble Justice Tapabrata Chakraborty in WP No. 12501(w) of 2019. Pinaki Bhattacharya was the writ petitioner and the present appellant was the respondent No. 4.
2. Justice Chakraborty directed the District Inspector of Schools (P.E.), Purba

Badhaman to consider the documents as forwarded by Pinaki Bhattacharya and decide whether he is entitled to be appointed as Chatuspathi. The private respondent No. 4 was also given opportunity of hearing in deciding the matter. It appears that the private respondent No. 4 who is the present appellant did not file any writ petition raising similar grievance as that of Pinaki Bhattacharya. The decision was taken by the District Inspector of School on the basis of the order passed in the writ petition filed by Pinaki Bhattacharya. It appears that the District Inspector of Schools in paragraph 12 had rejected the appointment letters issued to the Pinaki Bhattacharya and the present appellant.

3. Being aggrieved the present decision Pinaki Bhattacharya filed a writ petition. There is nothing on record to show that the preset appellant had preferred any writ petition against the said order. In the writ petition filed by Pinaki Bhattacharya, the learned single Judge after taking into consideration, the communication received from the Secretary, Vangiya Sanskrit Siksha Parishad and the fact that the

School Education Department has approved the appointment of 179 Adhyapaks of the Non-Government Sanskrit Tol for the District of West Bengal including the petitioner of Nangun Gangadhar Chatuspathi, Purba Bardhaman vide Memo No. 106-SE(P&B)/10M-162/15 dated March 13, 2018. Funds for payment of Dearness Allowance of newly appointed Adhyapaks, including the petitioner, have already been allotted in favour of the District Inspector of Schools(P.E.), Purba Bardhaman set aside the order of the District Inspector of Schools and directed the District Inspector of School(P.E.), Purba Bardhaman to immediately release the necessary payment in favour of the petitioner from the funds allotted by the department at the earliest. The instruction received from the Secretary, Vangiya Sanskrit Siksha Parishad also records that there is no record regarding the service of Sri Gourishankar Bhattacharya at the said Chatuspathi in the office of the Vangiya Sanskrit Siksha Parishad. There is nothing on record to show that the decision of the District Inspector of Schools(P.E.), Purba

Bardhaman has been challenged by the present appellant.

4. The petitioner cannot be said to be a person aggrieved in absence of any challenge being thrown to the present decision at least prior to the disposal of the writ petition filed by Pinaki Bhattacharya. Pinaki Bhattacharya filed the writ petition in or about 7th February, 2020.
5. Under such circumstances, the application for leave to prefer an appeal is dismissed.
6. Accordingly, CAN 01 of 2022 and CAN 02 of 2022 are dismissed without any order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)