

16 20.9.2023

Ct-08

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MAT 1100 of 2019
with
I.A No. CAN 1 of 2019 (Old CAN No. 9613 of 2019)
CAN 2 of 2019 (Old CAN No. 9614 of 2019)

The State of West Bengal & Ors.
Vs.
Mijanur Seikh & Ors.

Mr. Suman Dey

... For the Appellants/State

Mr. Rudranil De

Mr. Ziaul Haque

... For the Respondent no.1/
Writ Petitioner

Re: CAN 9613 of 2019
(Condonation of Delay)

1. There is a delay of 98 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 9613 of 2019 is thus disposed of.

Re: MAT 1100 of 2019

1. We have heard the learned counsel appearing for the parties.
2. The State did not file any affidavit. Learned Single Judge has proceeded on the available

records.

3. In the appeal it is argued that the order passed by the Commissioner of School Education, West Bengal, dated 27th August, 2015 is in terms of Memo No.-333-SE (Apptt.)/10M-32/01Pt. dated 8th June, 2007 where for Higher Secondary School 2 Clerk, 2 Group-D staff and 1 Librarian can be sanctioned. However, by a subsequent order being Memo No. 2356(20)-G.A dated Kolkata 3rd October, 2007

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it permits Group-D staff upto three in respect of High School with students 750 and above. This order was not considered in the impugned order. It is irrespective of any Library Attendant.

4. In view of the above the order passed by the learned Single Judge is upheld.

5. The appeal being MAT 1100 of 2019 stands dismissed.

6. In view of dismissal of the appeal nothing remains to be decided in the application for Stay being CAN 9614 of 2019 and the same is accordingly dismissed.

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

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

(Prasenjit Biswas, J.)

(Soumen Sen, J.)