

11 21.9.2023
&
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Ct-08

MAT 1405 of 2022
with
I.A No. CAN 1 of 2022
CAN 2 of 2023

ar

Subir Kumar Banerjee & Ors.
Vs.
West Bengal Board of Secondary
Education Employees Union rep. by
General Secretary & Ors.
with
MAT 1424 of 2022
with
I.A No. CAN 1 of 2022

West Bengal Board of Secondary
Education Employees Union and Anr.
Vs.
West Bengal Board of
Secondary Education & Ors.

Mr. Subhrangshu Panda
Ms. Ina Bhattacharyya
Ms. Mithu Singha Mahapatra
... For the Appellants
in MAT 1405 of 2022 and
for the Private Respondents
in MAT 1424 of 2022

Mr. Partha Sarathi Bhattacharyya
Mr. Sougata Mitra
Mr. Raju Bhattacharyya
Mr. Tanvir Jamal Mondal
Mr. Subhadeep Maitra
... For the Appellants
in MAT 1424 of 2022 &
for the Respondent no. 2
in MAT 1405 of 2022

Ms. Koyeli Bhattacharyya
... For W.B.B.S.E
in both the appeals

Sk. Mohammad Galib
Ms. Tanushree Mukherjee
... For the State
in both the appeals

1. Both the appeals were admitted by a
coordinate bench on a prima facie satisfaction

recorded that both the appeals are classified under Group-IX and not Group-II, as per distribution of business to the Hon'ble Court following the Appellate Side Classification Code.

2. In view of the fact that the reliefs claimed are no way connected with the education matter, it could not have been classified as Group-II matter.

3. The impugned order being non-est in view of lack of jurisdiction, the order is recalled. However, we must not go into the merit of the matter or express any opinion about the order passed by the learned Judge.

4. We set aside the order only on the ground of lack of jurisdiction.

5. In view of the above, both the appeals being MAT 1405 of 2022 and MAT 1424 of 2022 stand disposed of.

6. In view of disposal of both the appeals, CAN 1 of 2022 and CAN 2 of 2023 in connection with MAT 1405 of 2022 and CAN 1 of 2022 in connection with MAT 1424 of 2022 are also disposed of.

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

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

(Prasenjit Biswas , J.)

(Soumen Sen, J.)