

41 10.10.2023

Ct-08

ar

MAT 1644 of 2023

with

I.A No. CAN 1 of 2023

Shyama Mukhopadhyay

Vs.

State of West Benal & Ors.

Mr. Joydip Banerjee

Ms. Mousumi Banerjee

Mr. Raja Banerjee

... For the Appellant

Mr. Somnath Ganguli, Ld. AGP

Ms. Kalpita Paul

... For the State Respondents

Ms. Koyeli Bhattacharya

... For the WBBSE

1. We have heard the learned counsel appearing for the parties.

2. We agree with the submission made by Ms. Koyeli Bhattacharya, learned counsel representing the WBBPE, that the order of remand does not indicate the points on which the Board is required to revisit the proposed punishment. We feel that in the fitness of thing the appellate authority shall decide the appeal and in the event the appellate authority is of the view that the Board is required to reconsider the matter afresh or any other issues they must specifically state such issues in the order of remand so as to enable the Board to take a final decision on such remand. However, it will always be open to the appellate authority to decide

the matter finally in accordance with law.

3. In any event, the entire matter should be concluded by 31st December, 2023.

4. We make it clear that we have not gone into the merits of the order of the Board or the appellate authority in this regard. It will be open to the appellate authority to decide the matter in accordance with law.

5. In view of the aforesaid, the appeal being MAT 1644 of 2023 stands disposed of.

6. In view of the disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly disposed of.

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.

(Uday Kumar, J.)

(Soumen Sen, J.)

