

12.12.2023
SI No.13
Court No.8
(gc)

**MAT 2268 of 2023
CAN 1 of 2023**

**Dr. Syed Imtiaz Ahmed
VS
The State of West Bengal & Ors.**

Mr. Syed Arif Ahmed,
...for the Appellant.
Mr. Supriyo Chattopadhyay,
Mr. Moniruzzaman,
Mr. Manas Kumar Sadhu,
...for the State.
Mr. Suman Dey,
...for the Applicant in CAN 1 of 2023
in writ petition.
Mrs. Koyeli Bhattacharyya,
...for the W.B.B.S.E.

1. On an unconditional apology tendered on behalf of the appellant that the Ground No.V should not have been included in the grounds of appeal, we allow the learned Advocate for the appellant to make submission. The Ground No.V stands expunged from the original record. An unconditional apology tendered is accepted.
2. The matter relates to the administration of a school. The learned Single Judge on the basis of the material available on record and more particularly the audit report has passed a direction upon the District Inspector of Schools (S.E.), South 24 Parganas to take remedial measures and

certain consequential directions have been passed. This order is under challenge. The Headmaster of the School is the appellant. There is a tussle between the Headmaster and the teaching staff of the school.

3. The learned Advocate for the appellant submits that the D.I. is not acting impartially. However, till date he has not filed any affidavit taking exception to the inspection report filed by the D.I. in terms of the order of the Court. The learned Counsel submits that in view of the pendency of the appeal, the affidavit taking exception has not been filed.
4. On the basis of the narration of facts in the impugned order and after hearing the learned Counsel for the parties, we dispose of this appeal by granting liberty to the appellant who is the Headmaster of the school to file an affidavit taking exception to the report filed by the respondent No.6 on or before 22nd December, 2023 upon prior service the learned Counsel representing the D.I.
5. The learned Counsel for the appellant submits that the appellant is not averse to the idea of having an inspection being

carried by the Commissioner of School Education. It would be open for the learned Single Judge to call for a report from the Commissioner of School Education if the learned Single Judge is of the view that the said report is required for proper adjudication of the disputes between the parties.

6. With the aforesaid observation, the appeal and the application stand 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.)