

Item-
5. 22-04-2025

Aloke

Ct. 8

MAT 167 of 2024
with
IA No. CAN 2 of 2025
IA No. CAN 3 of 2025

Swarup Dutta
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas
... for the appellant

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
...for the W.B.B.S.E.

Mr. Sourav Mitra
... for the Central School Service Commission

Mr. Pinaki Dhole
Mr. Ritesh Kr. Ganguly
... for the State

In Re : CAN 3 of 2025

1. Affidavit-of-service filed in Court is taken on record.
2. This is an application for condonation of delay. There is a delay of 215 days in preferring the memorandum of appeal.
3. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the period of limitation. The cause being shown sufficient and accepted, we allow the application for condonation of delay.
4. CAN 3 of 2025 is, thus, disposed of.

In Re : CAN 2 of 2025

5. This is an application for restoration of the appeal which

was dismissed for default on 24.07.2024.

6. We are satisfied with the explanations shown by the appellant for not being able to appear before the Court when the matter was taken up for hearing on 24.07.2024 and the matter was dismissed for default.
7. The appeal being MAT 167 of 2024 along with CAN 1 of 2024 are restored to its original file and number.
8. CAN 2 of 2025 is, accordingly, disposed of.

In re : MAT 167 of 2024

9. Learned counsel appearing for the appellant has filed supplementary affidavit to bring on record the staff pattern and the pupil teacher ratio. The said affidavit is taken on record.
10. The appellant is directed to serve copies of the supplementary affidavit filed upon the respondents.
11. Since the School is not represented, we direct the School to file an affidavit giving reply to the supplementary affidavit by the adjourned date.
12. Mr. Sourav Mitra, learned counsel appearing for the Central School Service Commission submits that the application filed for transfer was on the ground of excess of 10% of the teachers strength. The school has to respond to the supplementary affidavit in order to enable the authority concerned on the decision of transfer.
13. This matter is limited to the aforesaid issue and should be decided on the adjourned date.
14. The matter stands adjourned for a fortnight.

15. Appropriate notice be served upon the school.
16. A responsible person from the school conversant with the matter shall be personally present in Court with the relevant records on the adjourned date.

(Soumen Sen, J.)

(Smita Das De, J.)