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22.02.2024
Ct. No. 11
Jayanta

MAT 302 of 2024
With
IA NO. CAN 1/2024
With
IA NO. CAN 2/2024

Advanced Society for Headmasters and Headmistresses & Anr.
vs
Ataur Rahaman & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw
Sk. Morshed Ali
..... For the Applicants/Appellants.
Mrs. Koyeli Bhattacharyya
..... For the W.B.B.S.E.
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
..... For the State.

Affidavit-of-service filed by the applicants be kept on record.

The present application has been preferred by the Advanced Society for Headmasters and Headmistresses (in short, the said Society) and one Chandan Kumar Maiti being the Secretary of the said society praying for leave to prefer appeal against the order dated 30th January, 2024 passed in a writ petition being WPA 22479 of 2023.

Mr. Bhattacharya, learned advocate appearing for the applicants submits that while disposing of the writ petition preferred by the guardians of the wards studying in Bhagabanpur K.B.S. High School (H.S) (hereinafter referred to as the said school), the learned single Judge erred in law in issuing direction upon the headmasters of all the

institutions to comply with the requirement of the notification being no. D.S.(C)/241/23 dated 29th December, 2023 issued by the Secretary of the West Bengal Board of Secondary Education (hereinafter referred to the said Board).

Mr. Bhattacharya argues that the impugned notification dated 29th December, 2023 is not sustainable in law and in view of the direction of the learned single Judge, the legal right of the applicants has been affected.

He contends that the learned single Judge while passing the impugned order failed to appreciate that the students, who will appear in the Madhyamik examination in the year 2025 cannot be left out, in case, due to any emergency, they fail to approach the school before 31st March, 2024.

Such contention of Mr. Bhattacharya has, however, been disputed and denied by Mrs. Koyeli Bhattacharyya, learned advocate appearing for the Board and Mr. Arindam Chattopadhyay, the learned advocate appearing for the State.

Mrs. Bhattacharya further submits that there are cases where due to the fault of the respective schools many students could not avail registration from the said Board and the notification has been issued for the benefit of the students at large.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

On the date of issuance of the impugned order, the notification dated 29th December, 2023 was in operation and its validity was not under challenge in the writ petition. In the said conspectus, the learned single Judge directed that the Headmasters of all the institutions should comply with the same, if not already complied. Such direction, in our opinion, does not infringe any legal right of the applicants.

Accordingly, the application for leave to appeal being IA NO. CAN 2/2024 is dismissed and consequently, the appeal fails and the same along with the connected application being IA NO. CAN 1/2024 are dismissed.

There shall, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty,J.)