

22.01.2024
SI No.5
Court No.8
(gc)

**MAT 540 of 2023
CAN 1 of 2023**

**The Teacher in Charge, Boldepota
Aminia Senior Madrasah (XII-Fazil)**

Vs.

Md. Nurul Amin & Ors.

Mr. Anindya Sundar Das,
Mr. Shaunak Ghosh,
Mr. Ratul Deb Banerjee

... for the Appellant.

Mr. Ekramul Bari,
Sk. Imtiajuddin

... for the Respondent No.1.

Mr. Mohinoor Rahaman,
Mr. Iqra Rahaman,

..for the Writ petitioner.

Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar

...for the Madrasah Service
Commission/Respondent No.4.

Mr. Sirsanya Bandopadhyay,
Ms. Tapati Samanta

...for the State.

1. The learned Counsel appearing on behalf of the appellant submits that on the earlier occasion, i.e. 17th January, 2024, it has been incorrectly recorded that the grievance of the appellant has been redressed instead of redressal of the grievance of the writ petitioner.
2. Accordingly, in the first paragraph, third sentence, the word “appellant” shall be replaced by the word “**writ petitioner**”.

3. The aforesaid correction be incorporated in the server copy.
4. The learned Counsel for the appellant submits that the writ petitioner without handing over necessary documents could not have received the said amount. The learned Counsel has drawn our attention to the relevant portion of the order dated 28th February, 2023 to show that issue with regard to the mismanagement and defalcation was raised before the learned Single Judge. However, on an enquiry being made as to whether any complaint was made to the board or any F.I.R. was lodged alleging defalcation of fund, we do not find any satisfactory answer. Prima facie, it appears that the writ petitioner is entitled to the aforesaid sum and the Drawing and Disbursing Officer has calculated the amount and released the said amount in favour of the writ petitioner.
5. In view thereof, we do not find any reason to interfere with the order passed by the learned Single Judge.
6. The appeal and the application, accordingly, stand disposed of.

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

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

(Uday Kumar, J.)

(Soumen Sen, J.)