

14.05.2024
Item No.42
RP
Ct. No.1

RVW 132 of 2024
With
CAN 1 of 2024
CAN 2 of 2024
Abid Hussain
Vs.
Md. Kousir Ali & Ors. .

Mr. Kamalesh Bhsattacharyya
Mr. Bidhan Biswas
.....for Applicant
Mr. Uttam Kumar Bhattacharya
Mr. Kaustav Mishra
.....for Writ Petitioners
Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
.....for Madrasah Service Commission

In Re: CAN 1 of 2024

This application has been filed to condone the delay in filing the review application. There is a delay of 10 days in filing the review application. Upon perusal of the averments made in the application we are satisfied that sufficient cause has been shown to condone the delay. Accordingly, CAN 1 of 2024 is allowed.

In Re : RVW 132 of 2024
CAN 2 of 2024

1. This review application is filed to review the order dated 29th February, 2024 passed in WPA(P) 85 of 2024. By the said order the communication sent by the Deputy Inspector General of Police, Anti Corruption Branch, West Bengal dated 23rd February, 2023, the complaint alleged to have

been given by the petitioners were directed to be looked into. The present review application has been filed by Abid Hussain, OSD and Ex-Officio Director of Madrasah Education, Government of West Bengal.

2. After elaborately hearing the learned advocates for the parties, we are of the considered view that the writ petition could not have been entertained as a public interest litigation since there was a clear personal interest of the writ petitioners. This could be seen from the orders passed by the OSD and Ex-officio Director of the Madrasah Education on 21.09.2023. Prior to that there was a three members committee constituted pursuant to order passed by the Hon'ble Supreme Court in which the first writ petitioner Md. Kousir Ali had appeared and gave statement. These facts have not been disclosed in the writ petition. Rather in the writ petition it has been stated that there is no private interest involved in the writ petition. Therefore, this writ petition could not have been treated as a public interest litigation and the orders could not have been passed. The order dated 29th February, 2024 passed in WPA(P) 85 of 2024 is recalled and the writ petition is dismissed.
3. In the result, the review application and the connected application are allowed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)