

16.04.2024
43 & 44
PG/KS
Ct. No.1

C.P.A.N. 1307 of 2023
In
W.P.A.(P) 112 of 2021
Private Tutors' Welfare Association & Anr.
Vs.
Mr. Ramanuj Ganguly & Anr.
With
R.V.W. 99 of 2023
With
IA No. CAN 1 of 2023
Private Tutors' Welfare Association & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Sk. Imtiaz Uddin

.....for the Petitioners

In Re.: R.V.W. 99 of 2023

1. This review application has been filed by a third party to review the order and direction in W.P.A.(P) 112 of 2021, which was filed by the private tutors' welfare association and another. The said writ petition was disposed of by order dated 1st May, 2023.
2. The operative portion of the order reads as follows:-

"4. We have heard the learned senior counsel appearing for the respondents/ State.

5. Considering the concern expressed and taking note of the above-mentioned rule, we direct the 3rd and 4th respondent to consider the representations of the petitioners/association taking note of the facts mentioned therein, verify the details, which have been furnished by the petitioners/association and if any of the teachers is found to have violated the rule, appropriate action should be taken in accordance with the rule after affording a reasonable opportunity of hearing to the teacher concerned.

6. This direction be carried out within a period of three months from the date of receipt of server copy of this order.

7. With the above direction, the writ petition stands disposed of.”

3. The present applicant/review applicant seeks for adding him as a party in the matter and also for a review on the ground that a writ petition in WPA(P) 562 of 2022 is pending before this Court, which has been filed by the applicant/Mr. Jayanta Sarkar in which they have challenged the vires of part of Rule 4 of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching Staff) Rules, 2018.
4. It is settled legal principle that until and unless a statute is struck down, it continues to remain valid and can be enforced.
5. Therefore, pendency of a writ petition challenging the vires of the Rules cannot operate as a bar for not complying with the direction issued in the writ petition filed by the private tutors' welfare association.
6. With the above observations, the review petition stands disposed of.

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7. Let notice be served on the alleged contemnors within three weeks.
8. List the contempt application on 14th May, 2024.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)