

22.08.2024
sayandeep
Sl. No. 36
Ct. No. 08

MAT 1444 of 2024
With
CAN 1 of 2024

Sabnam Ali @ Sabnam Aman
Vs.

Baba Saheb Ambedkar Education University
(erstwhile the West Bengal University of Teachers'
Training Education, Planning and Administration) &
ors.

Mr. Haradhan Banerjee
Mr. Rabindranath Mahata
Mr. Uday Narayan Betal
Mr. Aritra Shankar Roy
Mr. Mriganka Patra

..... for the appellant

Mr. Swapan Kr. Dutta
Mr. Rajat Dutta

.... for the State

Mr. Amitava Roy
Mr. Debleena Ghosh

.... for the University

Mr. Subir Sanyal
Mr. Sagnik Roy Chowdhury
Mr. Surojit Mukherjee

.... for the added
respondents Nos. 3,4 & 5

Mr. Dwarik Nath Mukherjee
Mr. Ratul Biswas
Ms. Soumyadipa Kanu

.....for the respondent No. 6

A civil right is sought to be enforced and/or implemented through a writ process raising several issues which are either connected with the Educational Institutions or unconnected. The Single Bench is in seisin of the matter and obviously decide the same on its merit. It was pointed out to the Single Bench that because of the disputes and differences amongst the trustees in relation to the administration and management of the trust as well as the Educational

Institution, the future of the students cannot be put at risk and they may not be denied to sit in the examination scheduled to be held on 23rd July, 2024.

Since the trustees were not *ad idem* on their individual rights or the collective rights, the Court in order to save the future of the students directed the principal to take up the task of conducting the examination scheduled to be held on 23rd July, 2024.

Mr. Banerjee, learned advocate appearing for the appellant is very much vocal in his submission that such device has, in fact, encroached upon their right *prima facie* established by this Court exercising the civil revisional jurisdiction and, therefore, the order needs to be interfered with.

We appreciate the agony and anguish shown by the appellant in this regard but equally we cannot overlook the fact that the examination which was scheduled to be conducted on 23rd July, 2022 should not be kept in a suspended animation or to be cancelled keeping the academic career of the students of the Educational Institutions in lurch. The principal was entrusted with the limited responsibility to conduct the examination and we do not find anything else have been indicated in the said order. Since the examination has already been held, we do not think that any interference is warranted in the instant appeal.

However, we make it clear that all points taken by the appearing counsels are kept open and shall not be

deemed to have been decided by us as the single Bench is in seisin of the matter and we trust and hope that at the time of disposal of the writ petition, all appoints shall be taken into consideration.

Urgent photostate certified copy, if applied by either of the parties, be given within three days from the date of the said application.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)