

04 12.09.2024
Ct. No. 01

WPA(P) 301 of 2024

AN
RP

Pew Halder
Vs.
State of West Bengal & ors.

Mr. Mainak Bose
Mr. Biswarup Biswas
Mr. Kajal Ray
Mr. Suman Nandi

... for the petitioner

Mr. Subhendu Bandopadhyay
Mr. Arindam Mitra
Mr. Arka Mandal

... for the respondent
Chandannagore Municipal Corporation

Mr. Biswabrata Basu Mallick, ld. AGP
Ms. Parna Roy Chowdhury

... for the respondent no. 11

Mr. Kunal Ganguly

... for the Board (WBBSE)

1. This Public Interest Litigation has been filed to direct the respondent authorities to take appropriate action against the respondent School under the provisions of the Right to Free Compulsory Education Act, 2009.

2. On the last hearing date, we had directed the appropriate authority of the State to file their affidavits. Accordingly, the affidavit-in-opposition has been filed by the 11th respondent, the Assistant Inspector of Schools, Secondary Education, Hooghly. On perusal of the report, it is seen that there are internal disputes in the Administration of the School.

3. It is submitted that one Mr. R. K. Chatterjee,

claiming to be the Secretary of the School has filed criminal proceedings against Father Moloy D'Costa and others before the learned Additional Judicial Magistrate, Chandannagore and Father Moloy D'Costa claiming to be the President of the St. Thomas School has filed an F.I.R. against the said R. K. Chatterjee in Case no. 54 of 2022 dated 07.03.2022 and the said case is now being dealt with by the learned Additional Judicial Magistrate, Chandannagore.

4. Thus, there appears to be internal disputes and the Education Department is already seized off the matter pursuant to an inspection which was conducted by the authority which culminated in a report being submitted to the Joint Director of School Education.

5. Thus, in the light of the internal disputes, we are of the view that the petitioner should not intervene with the same and leave it open to the decision of the Education Department, Government of West Bengal to proceed with the same.

6. In the earlier order, we had directed the 13th respondent to file their affidavit. Learned counsel appearing for the respondent no. 13 submits that they could not file it on time on account of festival being carried out. However, in the observations made hereinabove, we are of the view that no affidavit from respondent no. 13 is further required and it is upto the 13th respondent to make out a case before the authorities as well as pending in the criminal proceedings.

7. In the result, the writ petition stands

disposed of.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)