

SL-1    **26.07.  
2024**

**MAT 1469 of 2024  
IA No. CAN 1 of 2024**

Ct. No. 08

ab

**The District Primary School Council, Bankura  
and another  
Vs.  
Usthi United Primary Teachers' Welfare Association  
and others.**

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**Mr. Bhaskar Prosad Vaisya,  
Mr. Suman Dey,**

**... for the appellants.**

**Mr. Bikash Ranjan Bhattacharya, Ld. Sr. Adv.  
Mr. Bikram Banerjee,  
Mr. Sudipta Dasgupta,  
Mr. Debapriya Mitra,  
Ms. Dipa Sutradhar,  
Mr. Saiakat Sutradhar,  
Mr. Sutirtha Nayek.**

**... for the writ petitioners/respondents.**

**Mr. Samim Ahammed,  
Mr. Arka Maiti,  
Ms. Gulsanwara Pervin.**

**... for the respondent no. 3.**

This appeal is at the instance of District Primary School Council (for short DPSC) and is directed against an order dated July 24, 2024 passed by the learned Single Judge in WPA 18656 of 2024.

By the order impugned, the Council/appellant herein was directed to permit the writ petitioners/respondent no. 1 to use the hall room for holding the Blood Donation Camp strictly from 10 a.m. till 2 p.m. subject to payment of necessary charges.

Mr. Bikash Ranjan Bhattacharyya, learned Senior Advocate representing the writ petitioners/ respondents, raised a preliminary objection to the maintainability of this appeal as, according to him, the order was passed on consent and, therefore, an appeal does not lie against such order.

Mr. Bhaskar Prosad Vaisya, learned advocate

representing the appellants, submits that no consent was given by the learned advocate representing the Council and therefore, this appeal is maintainable.

After going through the order dated July 24, 2024, this Court finds that the Learned Single Judge recorded that the writ petitioners intend to hold the Blood Donation Camp on July 28, 2024 from 10.00 a.m to 5.00 p.m and the learned Advocate for the respondent authorities including the State submits that the programme may be restricted till 2.00 p.m.

After going through the said order it appears to this Court that the appellants and the State submitted that holding of the Blood Donation Camp should be restricted till 2.00 p.m. With regard to the entitlement of the writ petitioners to hold Blood Donation Camp at hall in question, we find that the Council and the State consented in that regard.

The Hon'ble Supreme Court in the case of ***State of Maharashtra -vs- Ramdas Shrinivas Nayak and Anr.***, reported at ***AIR 1982 SC 1249*** held that the statement of the judges should not be allowed to be contradicted by statements at the Bar or by affidavit and other evidence. The Hon'ble Supreme Court further observed that if a party thinks that the happenings in the Court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the minds of the judges, to call attention of very judges who have made the record to the fact that the statements made with regard to his conduct was a statement that had been made in error. This is the only way to have the record corrected. If no such step is taken, the matter must necessarily end there.

In the light of the aforesaid decision of the Hon'ble Supreme court, this Court cannot accept the contention of Mr. Vaisya that consent was not given and, therefore, is not inclined to interfere with the judgment and order passed by the learned Single Judge, as we are of the view

that the same was passed on consent.

The appellants will be at liberty to approach the learned Single Judge for appropriate reliefs, if so advised, in the light of the ratio decided by the Hon'ble Supreme Court in the above noted decision.

The appeal is, thus, dismissed. Consequently, the application for stay being CAN 1 of 2024 is also disposed of.

**(Harish Tandon, J.)**

**(Hiranmay Bhattacharyya, J.)**