

Court No. 8  
(266048)

MAT 1671 of 2024

**19.09.2024**  
(AD 27)  
(S. Banerjee)

The Executive Secretary, Christian Service Society &  
Ors.  
Vs.  
Sabita Das & Ors.

CAN 1 of 2024  
CAN 2 of 2024

Mr. Tanmay Mukherjee  
Mr. Kamal Mishra  
Mr. Pratap Sanfui

...for the appellants

Mr. Shamim ul Bari  
Mr. Sayan Datta

...for the State

Mr. Prosenjit Mukherjee  
Ms. Manisa Mandal

...for the writ petitioner/respondent

Ms. Koyeli Bhattacharyya  
Mr. Bibek Dutta

...for the WBBSE

**Re: CAN 1 of 2024**

This is an application for condoning the delay of  
109 days in filing the appeal.

After considering the submission made in the  
instant application and upon hearing the counsel for the  
applicants/appellants, we are satisfied that the  
appellants were prevented by sufficient cause in not  
preferring the appeal within the statutory period of  
limitation provided therefor.

The delay in filing the appeal is hereby condoned.

The application, being CAN 1 of 2024, is allowed.

**Re: MAT 1671 of 2024**

Though the scope of the writ petition was limited to the reinstatement of the erstwhile Teacher-in-Charge to the post of a Teacher-in-Charge but, in course of the hearing it transpired to the learned Judge that there was a serious allegation against the school administration about the misdeeds, more particularly, appointing the teachers as Teacher-in-Charge in exchange of certain gratification.

The school authorities have filed the instant appeal challenging the order by which the Single Judge directed the District Inspector of Schools (SE), Paschim Medinipur to file a detailed report to the court.

The school authorities have challenged the said order on the score that the court cannot transgress the scope of the writ petition and direct the roving enquiry into the matter.

We are not impressed with the aforesaid submission of the appellant. The moment the court finds, *prima facie*, that there are serious allegations made against the school authorities, there is no fetter on the part of the court to pass a direction for making an enquiry and to submit a report before the court. The court cannot remain a mute spectator when serious

illegalities and/or irregularities are projected before it simplicitor on the score that it is beyond the scope of the reliefs claimed in the writ petition. There is a serious allegation of misdeeds in the form of illegal gratification against the school authorities and in order to streamline the entire education system, we do not find any illegality and/or irregularity on the part of the Single Judge in directing the enquiry to be conducted by the District Inspector of Schools (SE) and submit a report in this regard. Mere filing the report does not foreclose the rights of the litigating parties to disclose their stand thereupon. Obviously the Single Judge after receiving the report will afford an opportunity to all the litigating parties before taking a final decision thereupon.

We thus do not find any merit in the instant appeal and the appeal is dismissed.

With the dismissal of the appeal, the connected application, being CAN 2 of 2024, also stands dismissed.

**(Harish Tandon, J.)**

**(Prasenjit Biswas, J.)**