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Matter : MAT
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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

MAT 1744 OF 2024
CAN 1 OF 2024

THE PRESIDENT OF MANAGING COMMITTEE,
SATASHI HIGH SCHOOL (HS) & ORS.
Vs.
THE STATE OF WEST BENGAL & ORS.

&

MAT 1782 OF 2024
CAN 1 OF 2024

ANTARA ROY (DAS)
Vs.
THE STATE OF WEST BENGAL & ORS.

MR. HIMADRI BASU, ADVOCATE
MR. BISWAJIT DAS, ADVOCATE

.....for the Appellant (in MAT 1744 of 2024)
.....for the Respondent Nos. 12, 13 & 14 (in MAT 1782 of 2024)

MR. SAKTI PADA JANA, ADVOCATE
MR. SUBHAJYOTI DAS, ADVOCATE

.....for the Respondent Nos. 8,9,10 & 11
MR. KMALESH BHATTACHARYA, ADVOCATE
MR. SANJIB DAS, ADVOCATE

.....for the Respondent No. 12/Writ-Petitioner
MR. SHAMIM UL BARI, ADVOCATE
MS. MERINALINI MAZUMDER, ADVOCATE
MR. SYED NAZMUL HOSSAIN, ADVOCATE

.....for the State

- Both the appeals are taken up together having filed against a common order dated 29.08.2024 passed by the Single Bench in WP 19243 of 2024. By the impugned order, the writ-petition was disposed of directing the West Bengal Board of Primary Education to take a decision/ step in accordance with law based upon the preliminary investigation report furnished by the State.
- Shorn off unnecessary details, the writ-petitioner approached the Court raising serious allegations

against the private respondents and the apathy shown by the authorities in not taken any prompt step on the basis thereof.

3. On 01.08.2024, the Single Bench invited the attention of the Counsel appearing for the State in this regard and enquired about the steps having taken on the basis of such allegations. Mr. Bari, learned Advocate who represented the State, submitted that there was lack of proper instruction in this regard and, therefore, he was not in a position to answer the query raised by the Court.
4. However, the Court directed the State to submit a report within a timeframe in order to ascertain as to whether any steps had been taken on the basis of the application taken out by the writ-petitioner.
5. On 29.08.2024, the report was filed and after perusal of the contents of the report, the writ-petition was disposed of directing the Board to take steps in accordance with law based upon the preliminary investigation report so furnished by the State. However, an opportunity was given to all appearing parties to take any legal steps, in the event; they feel that the content of the report is adversely affecting their individual rights.
6. Both the writ-petitioner as well as the Managing Committee of the School has preferred the instant appeal assailing the aforesaid order.
7. We are not convinced with the arguments advanced by the writ-petitioner as well as the Managing Committee that the Court ought not to

have reverted the matter to the Board to take steps on the basis of the preliminary investigation report.

8. According to the Counsel of the writ-petitioner, the report does not reveal any preliminary investigation having undertaken by the District Inspector of Schools and it would be a farcical exercise if the Board is directed to take steps on the basis thereof.
9. The Managing Committee felt aggrieved as they had a right to be heard at the time of preliminary investigation and having not provided such opportunity, the order impugned suffers infirmity and/or illegality.
10. We have an occasion to peruse the contents of the allegations which appears to us to be serious in nature and requires an investigation to be made by the competent authority. The preliminary investigation report was sought for by the Court in an earlier order which was accepted by the appearing parties as no challenge was thrown to the said order. The moment the report was filed in compliance with the said direction and having directed to be circulated amongst the appearing parties, the grievance appears to be patent.
11. The preliminary investigation report has to be viewed and considered by the Board in its proper perspective and obviously the Board would proceed with the relevant provisions of law applicable in this regard. Mere direction upon the Board to take steps on the preliminary

investigation report cannot be read in segregation but conjointly with the expression “in accordance with law”.

12. Since the Board has not taken any decision, the apprehension shown by the appearing Counsel for the respective respondents appears to be premature and, therefore, we do not think that they can come within the ambit of an “aggrieved person”. The Board is an independent and autonomous body and shall take a decision on the provisions of law governing their rights and exercise of powers and, therefore, unless the Board takes a decision, the Appellate Court does not find any material having placed before it inviting interference with the impugned order.
13. However, we make it clear that it is open to the parties to take all the points available to them under the law and none of the observations will stand in the way of deciding the same.
14. With these observations, both the appeals being **MAT 1744 of 2024** and **MAT 1782 of 2024** and the connected **applications** are **disposed of**.

(HARISH TANDON, J)

(PRASENJIT BISWAS, J)

