

25 12.02.2025
rkd Ct.18

W.P.A. 1191 of 2025

The Managing Committee, Dakshin Mahisda Adarsha
Siksha Niketan & Ors.

-vs-

The State of West Bengal & Ors.

Mr. S. P. Pahari

....for the petitioner.

Mr. Dipanjan Datta,
Mr. Subhajit Chowdhury

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition petitioners
have prayed for sanction of financial aid in favour
of Dakshin Mahisda Adarsha Siksha Niketan,
Purba Medinipur (hereinafter referred to as "said
School").

It is submitted by the learned advocate
representing the petitioners that said school was
recognized without financial assistance on and
from 14th October, 2009 and subsequently a prayer
was made for grant of financial aid vis-a-vis
regularization of the organizing assistant teachers
working in the said school which was negated by
the dint of the order dated 26th September, 2014
passed by the Principal Secretary, Finance
Department, Government of West Bengal. Now

petitioners pray for grant of financial assistance without regularizing teaching and non-teaching staff of the said school.

In support of such contention reliance is placed on the order of the Hon'ble Supreme Court dated 19th April, 2024 passed on Special Leave Petition (Civil) Diary No(s). 31030/2023 (The Managing Committee, Dakshin Mahisda Adarsha Shiksha Niketan & Ors. -vs- The State of West Bengal & Ors.).

It is submitted that in terms of the liberty granted by the Hon'ble Supreme Court representations have been made dated 24th June, 2024 to the Commissioner of School Education, West Bengal and Principal Secretary, School Education Department.

By presenting this writ petition prayer is made for sanction of financial assistance without regularizing teaching and non-teaching staff working in the said school.

State respondents are represented by learned advocate who has submitted that issue has already been decided by the Hon'ble Division Bench vide judgment dated 7th February, 2023 wherein order passed by a coordinate Bench dated 9th March, 2017 was set aside thereby reviving the

order of the Principal Secretary, Finance Department. By the said order connected writ petition was dismissed.

On perusal of judgment of the Hon'ble Division Bench dated 7th February, 2023 it appears that it was decided in paragraph 10 of the said judgment that order granting recognition without financial aid was accepted by the petitioners and the petitioners got the benefit of recognition order.

It was also found by the Hon'ble Division Bench that the observations made by the learned Single Judge in the order dated 9th March, 2017 was contrary to a finding of a learned Single Judge made in the order dated 20th May, 2005 passed in WPA 2184 of 2004 wherein it was observed that Government is not bound to grant aid to all recognized institutions.

While deciding the issue another order of the Hon'ble Division Bench dated 15th March, 2013 passed in MAT 871 of 2011 was relied upon wherein it was decided that grant-in-aid cannot be claimed as a matter of right. It was also found by the Hon'ble Division Bench that grant of recognition without financial assistance was not the subject matter of the writ petition from which instant appeal arose and issue was found to be

settled inter parties and attained finality.

However, the judgment of the Hon'ble Division Bench dated 7th February, 2023 was assailed by preferring Special Leave Petition (Civil) Diary No(s). 31030/2023 and same was disposed of as withdrawn by the Hon'ble Supreme Court vide order dated 19th April, 2024 granting liberty to the appellants to approach the State Government.

It is found that in terms of the leave granted by the order dated 19th April, 2024 passed by the Hon'ble Supreme Court representations have been made to the State respondents and it is open to the State respondents to take steps in terms of the order dated 19th April, 2024.

With the aforesaid observations, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)