

18.02.2025
sayandeep
Sl. No. 46
Ct. No. 08

MAT 189 of 2025
With
CAN 1 of 2025

Songved Chaudhuri, Minor son of Mr. Souparno
Chaudhuri & ors.

Vs.

The State of West Bengal & ors.

Mr. Souparno Chaudhuri

... for the appellant(in person)

Mr. Biswabrata Basu Mallick

Mr. Biman Halder

.....for the State

Mr. U.S. Menon

Mr. Abhirup Chakraborty

.....for the respondent No. 2

Mr. Ashok Bhowmik

Mr. Tirtha Pati Acharyya

.....for the UOI

Mr. Biswaroop Bhattacharyya

Mr. Ayan Chakraborty

Mr. Prateek Majumder

Mr. Sudipta Mahapatra

Mr. Rajeswar Chakraborty

Mrs. Monami Mukherjee

.... for the respondent Nos. 6 & 7

The scope of the appeal is limited as by an order dated 05.02.2025, the single Bench directed the school authorities to submit the statements of account by way of affidavit to be affirmed by the principal as the Court finds it necessary to be brought on record. The scope of the writ as it appears from the relief claimed therein pertains to various issues raised by the appellant regarding the activities and the mannerism in which the students are treated in the said school. The challenge is also made to several communications exchanged between the school and the parents through electronic

mode which according to the appellant is derogatory and not in a proper spirit.

The single Bench is also considering an issue in the writ petition on the fees charged by the school for an academic session which according to the appellant is not inconsonance with the relevant statutes. Since the single Bench is in seisin of the matter and have passed several directions upon the school in pursuit of determining the cause as pleaded in the writ petition, it would not be proper for the appellate Bench to decide the issue involved the writ petition in an appeal preferred against the interim direction. However, our attention was drawn to the fact that subsequent to the order dated 05.02.2015, the appellant received transfer certificate issued by the school which according to the appellant causes severe prejudice and/or sufferance when the final examination is scheduled to be held on and from 28th February, 2025. We are conscious that at the fag end of the academic career if the transfer certificate is issued, it has a cascading effect on the career of the said child or might loss one academic year of his life. Though the transfer certificate is not under challenge but the Court cannot shut its eyes to the subsequent facts disclosed in course of the proceedings, more particularly, taking a humanitarian view concerning the child whose academic career is in dwindle.

It further appears that out of the several writ petitioners barring the present appellant, the parents have deposited the fees as requisitioned by the school authorities and their respective ward are attending school. We, therefore, feel that the appellant should also pay the requisite fees for the present academic session which in fact has been tendered through an account payee cheque drawn on State Bank of India, Charu Marker Branch in favour of South Point High School for a sum of Rs. 40,800/-. The school authorities are directed to encash the said cheque.

It is however made clear that the payment of the said fees and acceptance by the school are strictly without prejudice their rights and contentions raised in the writ petition. A freeing amount shall be remitted by the appellant to the school account either by account payee cheque or through online transaction. The school shall permit the appellant to sit in the final examination scheduled to be commenced from 28th February, 2025 without prejudice to their rights and contentions and shall also declare the results along with the other students. The order of transfer shall be kept in abeyance till the result is declared by the school authority. However, it is open to the appellant to take appropriate steps in the writ petition, in the event, the appellant intends to challenge the transfer order and it is open to the single Bench to pass an appropriate order as and when the situations so warrant without being

influenced by the fact that by this Court has kept the transfer certificate in abeyance for a time being.

With these observations, the appeal and application are disposed of.

(Harish Tandon, J.)

(Partha Sarathi Chatterjee, J.)