

Item-
3. 14-05-2025

FMA 254 of 2025
CAN 1 of 2024

sg

The West Bengal Board of Primary Education & Ors.
Vs.
Abaydullah Seikh & Ors.

Ct. 8

Mr. Subir Sanyal, Sr. Adv.
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

...for the appellants

Mr. Sudipta Dasgupta
Mr. Arka Nandi

...for the writ petitioners

Mr. Sirsanya Bandopadhyay
Mrs. Tapati Samanta

...for the State

1. The appeal is arising out of an order dated 23rd February, 2024 passed by the learned Single Judge in a writ petition, by which the President of the West Bengal Board of Primary Education was directed to take interview of the candidates and to take steps for their recommendation and if any appointment is given, it will abide by the result of the appeal being FMA 948 of 2023, that was pending before the Hon'ble Division Bench at the time when the impugned order was passed.
2. It appears that the learned Advocate for the West Bengal Board of Primary Education resisted the said order and has prayed for filing of affidavit disclosing the full facts. It further appears from the impugned order that the learned Single Judge was of the view that affidavit-in-opposition is not required to be considered although it was filed.

3. Mr. Sudipta Dasgupta, learned Counsel appearing for the writ petitioners has conceded to the fact that the writ petitions are required to be heard on merits. It appears to be an unreasoned order.
4. We have carefully gone through the memorandum of appeal and we are of the view that the appellants have made out a prima facie case which is required to be considered upon exchange of affidavits. This matter could not have been disposed of in a summary manner though the issues raised by the appellants are required to be gone into and decided before a finding could be arrived at in favour of the writ petitioners. On that limited ground, we set aside the impugned order.
5. The respondents who have not filed their affidavits in the writ petition, shall be entitled to file their affidavits within two weeks after the Summer Vacation; reply thereto, if any, be filed within one week thereafter.
6. Liberty to mention before the learned Single Judge having the determination after the affidavits are exchanged.
7. With the above observations, the appeal and the connection application are disposed of.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)

