

11.06.2025
Court No.13
Item No.15
AP

CPAN 735 of 2025
In
WPA 5105 of 2021
With
CAN 5 of 2024

Bappa Ghosh
Vs.
Sri Arup Sengupta, the Commissioner of School
Education, Government of West Bengal and Anr.

Mr. Ankita Dey

... For the Petitioner.

Mr. Avishek Prasad

... For the alleged Contemnor No.2.

Mr. Debashis Saha

... For the added respondent in
CAN 2 of 2022 and CAN 5 of 2024.

In Re.: **CAN 5 of 2024**
In
WPA 5105 of 2021

1. CAN 5 of 2024 in WPA 5105 of 2021 is an application affirmed on 10th July, 2024 seeking modification of the order dated 17th May, 2024 and filed on 12th July, 2024.

2. By the order dated 17th May, 2024 the writ petition was restored and CAN 3 of 2024 and CAN 4 of 2024 were allowed. In the said writ petition CAN 2 of 2022 was filed seeking addition of two persons namely Amit Pramanik and Sadiqul Islam as writ petitioners. The said CAN 2 of 2022 was filed by an advocate other than that of the original writ petitioners.

3. The writ petition was dismissed for default on 4th April, 2022. Hence, CAN 4 of 2024 (Section 5) and CAN 3 of 2024 (recall) were filed seeking recall of the order dated 4th April, 2024 and restoration of the writ petition.

4. The said CAN 3 of 2024 and CAN 4 of 2024 and the writ petition itself was allowed by the order dated 17th May, 2024.

5. Modification of the said order dated 17th May, 2024 is sought to allow CAN 2 of 2024 on the ground that the applicants of CAN 2 of 2024 were not notified of CAN 3 of 2024 and CAN 4 of 2024 by the advocate-on-record of the original writ petitions. CAN 5 of 2024 itself was affirmed on 10th July, 2024 and filed on 12th July, 2024.

6. The arguments of Mr. Saha cannot be accepted as the applicants in CAN 2 of 2022 ought to have been vigilant of their rights and the proceedings. They cannot be allowed to contend that the restoration of the writ petition was made behind their back as they are seek to be treated at par with other petitioners.

7. The cutoff date in the order allowing the writ petition i.e. 26th April, 2024 is of utmost importance as a number of writ petitions filed after 26th April, 2024 have been rejected by this Court.

8. Since the applicants in CAN 2 of 2022 were not represented on 17th May, 2024, the said application must be deemed to have been dismissed/rejected.

9. CAN 5 of 2024 is, therefore, dismissed.

In Re.: **CPAN 735 of 2025**

10. It is submitted by the learned counsel for the alleged contemnor No.2 / Basanti Barman, the Chairman, District Primary School Council, Malda that the petitioner has been appointed.

11. Therefore, nothing further remains to be adjudicated in the instant contempt application.

12. Hence, the contempt application is disposed of.

13. Rule, if any, shall stand discharged.

14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)