

25.06.2025
SI No.4
Court No.8
(gc)

**MAT 812 of 2025
CAN 1 of 2025**

**Aatmika Iyer, minor daughter of
Mr. Raj Shekar Kunchithapatham
Vs.
The State of West Bengal & Ors.**

Mr. Raj Shekar Kunchithapatham
...for the Appellant (in person).
Mr. Biswabrata Basu Mallick, Ld. A.G.P.
Ms. Parna Roy Choudhury
...for the State.
Mr. Ashoke Bhowmik,
Mr. Tirtha Pati Acharyya
...for the U.O.I.
Mr. Biswaroop Bhattacharya,
Mr. Ayan Chakraborty,
Ms. Sohini Mukherjee,
Ms. Nilanjana Ghorui
...for the South Point High School.

Soumen Sen, J. (Oral):

1. By consent of the parties, the appeal and the application are taken up together and disposed of by this common order.
2. The appeal is arising out of an order dated 28th April, 2025. The grievance of the appellant is that though her daughter was allowed to sit for the Board Examination, the result of which is likely to be announced in the third week of May, 2025, but the writ petitioner has a genuine apprehension that the school might not supply the physical copy of the result to her daughter, in absence of which, she would obviously face difficulties in getting admission in higher classes. The

impugned order was passed on 28th April, 2025 prior to the publication of the result.

3. The learned Single Judge has passed an interim order directing the writ petitioner to pay a sum of Rs.42,411/- to the school and on payment of the said amount, the school shall provide the physical copy of the result of the said examination to the petitioner. The said amount was, *prima facie*, determined on the basis of the affidavit-in-opposition filed by the school in the said proceeding in which apart from the tuition fees of Rs.36,600/- was levied towards the penalty. The learned Single Judge at the interim stage found that the said penalty is not leviable. The writ petitioner was directed to file reply within two weeks from the date of the said order and the matter was directed to be listed in the Combined Monthly List of June, 2025.
4. The writ petition is now ready for hearing. At this stage, we do not want to interfere with the order passed by the learned Single Judge. The writ petitioner disputes that the school has no authority to put a condition of payment as a condition precedent for supplying physical copy of the result.
5. In view of the fact that the learned Single Judge is *in seisin* over the matter and the

order is merely an interim order which does not appear to be without any reason, we are not inclined to interfere with the order passed by the learned Single Judge. However, we make it clear that in the event the said amount is deposited, it shall be without prejudice to the rights and contentions of the writ petitioner and shall abide by the result of WPA 29802 of 2024.

6. The time to deposit the said amount is extended by two weeks from date. However, non-payment of the said amount should not be held against the writ petitioner at the time of disposal of the writ petition.
7. With the aforesaid observation, the appeal and the application are disposed of.
8. However, there shall be no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)