

31 **10.01.**
2025
Ct. No. 08

MAT 1078 of 2024
IA No. CAN 1 of 2024
IA No. CAN 2 of 2024

Ab

**All India Confederation of SC/ST Organisation
and others
Vs.
The State of West Bengal and others.**

**Mr. Atarup Banerjee,
Mr. Subhas Jana,
Mr. Rajdeep Pramanik.**

... for the appellants.

**Mr. Anindya Sundar Das,
Mr. Shaunak Ghosh,
Ms. Suva Gayen.
Ms. Paramita Mondal.**

... for the respondent no. 8.

Re: CAN 2 of 2024

This is an application for condonation of delay in preferring the instant appeal beyond the statutory period provided therefor.

It is indicated by the Stamp Reporter in its report that there is a delay of 7 days in preferring the instant appeal.

The Counsel for the appellants submits that the appellants were all along diligent and careful in pursuing the remedy but the circumstances were beyond its control, which occasioned the delay in preferring the appeal.

After perusal of the explanations offered in the instant application, we are satisfied that the appellants were prevented by sufficient cause in not preferring the appeal within the statutory period of limitation. Accordingly, the instant application being CAN 2 of 2024 is hereby allowed. The delay in preferring the appeal is hereby condoned.

The office is directed to formally register the appeal.

The instant appeal filed at the behest of the writ petitioners/appellants is on a limited score though the primary grievance raised in the writ petition was addressed by the Single Bench, but the writ petitioners/appellants felt aggrieved, as the Court did not put a timeline within which the enquiry to be completed.

Mr. Tapan Kumar Mukherjee and Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleaders, were requested to appear in the instant matter. Their appearance in the matter shall be regularized by the learned Legal Remembrance.

Considering the gamut of the grievance raised in the writ petition it appears that a serious allegation of misappropriation of the school fund is leveled against the Headmaster of the said school and by a letter dated 22nd September 2023, the West Bengal Board of Secondary Education directed the District Magistrate (SC and ST Welfare Section), Paschim Medinipur to conduct the enquiry and filed a detailed report before the Board. It is further recorded in the order that several reminders were issued by the Board to the said official, but no positive steps have been taken in this regard.

The Single Bench proceeded to dispose of the writ petition as the primary grievance leveled against the respondents over inaction on their part to take steps had already been addressed.

We feel that the moment a serious allegation of misappropriation of the school fund is leveled and the Board directed the respondent no. 3 herein to conduct an enquiry and submit the detailed report, such enquiry should be conducted within a reasonable period of time.

The Counsel for the appellants submits that till date the report has not been submitted to which both the learned Additional Government Pleaders submit that in absence of any instruction they are not in a position to apprise the Court in this regard.

Be that as it may, in the event the report is not submitted to the Board in terms of the letter dated 22nd September 2023, the respondent no. 3 herein is directed to conduct an enquiry after affording an opportunity of hearing to the respective parties and submit a report within six weeks from the date of communication of this order.

The order impugned is modified to the extent as above.

The appeal and the connected application being CAN 1 of 2024 are disposed of.

It is hereby made clear that this order shall not have any persuasive effect on the enquiry to be conducted or the report to be considered by the Board, which shall be done on its merit.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)