

RVW 123 of 2021
In
CPAN 808 of 2019
In
WPA 12695 of 2017

Md. Aman
Vs.
The State of West Bengal & Ors.

Mr. Md. Kutubuddin

... ... for the applicant

Mr. Supriyo Chattopadhyay

Mr. Sabyasachi Mondal

... ... for the State

1. The learned counsel appearing for the applicant submits that the primary reason for seeking a review of the judgment and order dated 18.01.2019, passed by His Lordship, Hon'ble Justice Protik Prakash Banerjee, lies in a procedural irregularity. The counsel contends that the District Primary School Council, Birbhum, a key stakeholder in the matter, was not made a party to the writ petition under consideration.

2. Without the inclusion of the said Council as a respondent in the writ proceedings, the order dated 18.01.2019, along with the directions issued therein, cannot be effectively implemented or enforced. This is because the absence of a necessary party renders the order incomplete and legally inoperative. The applicant asserts that this non-joinder of a necessary party constitutes a significant legal defect in the proceedings, leading a review of the judgment.

3. The applicant seeks a review of the judgment to rectify this defect, ensuring that all necessary parties are before this Court so that the directions issued can be effectuated and justice can be served in accordance with the principles of procedural fairness and equity.

4. Learned counsel appearing for the respondent is present.

5. Heard learned counsel for the parties.

6. As it is apparent that without addition of the District Primary School Council, Birbhum, a party respondent in the instant order dated 18.01.2019, the said order dated 18.01.2019 remains inoperative and thus, let there be an order of adding the District Primary School Council, Birbhum as a party respondent to the writ petition and amend the cause title of the writ petition as well as the department is directed to amend the order dated 18.01.2019 to this effect.

7. Accordingly, the review application being RVW 123 of 2021 is disposed of.

8. There shall be no order as to costs.

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

(Rajarshi Bharadwaj, J.)