

MAT 1290 of 2025
with
IA No. CAN 1 of 2025
and
IA No. CAN 2 of 2025
(Dr. Syed Imtiaz Ahmed Vs. The State of
West Bengal & Ors.)

Syed Arif Ahmed
Ms. Sudipta Bera

.... For the appellant

Mr. Nilotpal Chatterjee, Ld. AGP
Ms. Munmun Ganguly

..... For the State respondents

Mr. Suman Dey

..... For the School Authority

Ms. Koyeli Bhattacharyya

..... For the W.B.B.S.E.

Let the affidavit-of-service, as filed, be kept on record.

Pursuant to our order of August 18, 2025, the appellant in attempting to remove the defects has filed an application being CAN 2 of 2025 seeking, *inter alia*, impleadment of the teacher-in-charge of the school and the managing committee thereof as respondent nos. 8 and 9.

The application being CAN 2 of 2025 is allowed.

Office is directed to incorporate aforestated persons/entities as respondent nos. 8 and 9 in the memorandum of appeal and the stay application.

The appeal has been preferred challenging the order dated July 23, 2025 passed by the learned single Judge allowing the appellant herein, the writ petitioner to file a supplementary affidavit, disclosing subsequent facts

which have occurred during the pendency of the writ petition.

In connection therewith, an application being CAN 1 of 2025 has also been preferred seeking, *inter alia*, stay of the impugned order dated July 23, 2025.

The appellant/writ petitioner argued that the suspension order of January 30, 2024 is already under challenge in WPA 14474 of 2024 and hence there are no subsequent facts which are required to be disclosed. Thus, there is no requirement for the appellant/writ petitioner to file any supplementary affidavit as directed by the learned single Judge.

Mr. Dey, learned advocate appearing for the school authority, Ms. Bhattacharyya, learned advocate appearing for the Board and Mr. Chatterjee, learned Additional Government Pleader along with Ms. Ganguly, learned advocate appearing for the State respondents have also made their submissions.

Mr. Dey and Ms. Bhattacharyya have both stated that subsequent to the writ petition, chargesheet was served on the appellant and enquiry proceedings were held. The disciplinary proceedings have now been concluded, culminating in the order of punishment dated July 25, 2025. These facts do not form the subject matter of the writ petition and hence qualify as subsequent facts.

We find that a leave has been granted to the appellant/writ petitioner to file the supplementary

affidavit by the learned single Judge to bring on record subsequent facts.

The order of the learned single Judge dated July 23, 2025 does not cause any prejudice to the appellant/writ petitioner and hence, we find no reason to interfere with the said order.

The appeal and the application for stay being CAN 1 of 2025 are dismissed.

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

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)