

01.09.2025
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MAT 1362 of 2025
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IA No.: CAN 1 of 2025[Stay]
Anupam Nanda
- Versus -
The State of West Bengal & Others

Mr. Anjan Bhattacharya,
Ms. Anita Shaw,
Ms.Sima Thakur
... for the Appellant.
Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta
... for the State/Respondents.
Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta
... for the WBBSE.
Mr. Sunit Kr. Roy,
Mr. Sahen Shaha,
Mr. B. Sarkar
... for the added respondent nos. 6 and 7.

The present appeal has been preferred challenging an order dated 12th August, 2025 passed by the learned single Judge in the writ petition, being WPA 4812 of 2024 which was preferred challenging *inter alia* an order dated 18th May, 2023 passed by the respondent no.2 herein.

Records reveal that initially a public interest litigation was preferred by one Bikash Ranjan Maiti along with others, being WPA (P) 346 of 2022 which was disposed of by an order dated 15th November, 2022 granting liberty to the writ petitioners therein to file an appropriate representation before the respondent no.2 herein and the said respondent was directed to take

appropriate action. It was further recorded in the said order that mere transfer of the respondent no.9 therein, being the appellant herein, will not absolve him of his liabilities, if any irregularity was committed by him. Pursuant to the said order, an order was passed by the respondent no. 2 on 18th May, 2023. Subsequent thereto, the writ petitioners in WPA (P) 346 of 2022 again preferred a public interest litigation, being WPA (P) 65 of 2024 *inter alia* praying for implementation of the order dated 18th May, 2023 passed by the respondent no.2. In the said writ petition, an order was passed on 22nd February, 2024. Alleging that the said order has not been complied with, a contempt application was preferred, being CPAN 1478 of 2024 in which the appellant herein preferred two applications, one for addition of party and the other for recalling and/or vacating the order dated 14th January, 2025 passed in CPAN 1478 of 2024 by which certain directions were issued, as quoted in paragraph 4 of the said order dated 11th February, 2025. The said contempt application and other connected applications were thereafter disposed of by an order dated 11th February, 2025 recalling the second paragraph of the order dated 14th January, 2025 passed in CPAN 1478 of 2024, as quoted in paragraph 4 of the order dated 11th February, 2025.

Mr. Bhattacharya, learned advocate appearing for the appellant submits that in the order dated 11th February, 2025 there was no direction upon the appellant to appear in the school premises and to participate in the audit to be conducted by the appropriate authority. However, by the order impugned the learned single Judge directed that the appellant shall appear before the auditor for extending necessary assistance. The directions contained in the order impugned in the present appeal are contrary to the order passed by the Hon'ble Division Bench on 11th February, 2025.

Mr. Roy, learned advocate appearing for the added respondent nos. 6 and 7 vehemently opposes such contention of the appellant and submits that no formal charge was handed over by the appellant before he joined the present school, namely, Joykrishnapur Nehru Bidya Bhavan (H.S.).

Mr. Chattopadhyay, learned Additional Government Pleader appearing for the State/respondents, however, submits that the direction to appear before the school authorities was passed, as prayed for by the appellant and that as such, the appeal itself is not maintainable.

In reply, Mr. Bhattacharya denies such contention and submits that the appellant is ready and willing to

appear before the respondent no.3 and extend all his cooperation.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

In the order dated 11th February, 2025 the Hon'ble Division Bench observed *inter alia* that without casting any aspersion on the Ex-headmaster, being the appellant herein, the auditor shall conduct an audit and the President of the managing committee as well as the present Teacher-in-Charge, being the added respondent no.7 herein, shall extend all cooperation for the audit. It was also directed that the audit report prepared would be placed before the managing committee and the audit report along with the minutes of the meeting of the managing committee shall be placed before the respondent no.3 herein, who shall thereafter proceed to take action, in accordance with law and that upon receipt of the documents, the respondent no.3 '*if need be can seek for the assistance of the Ex-Headmaster*'. The learned single Judge ought not to have issued any direction upon the appellant to appear before the auditor since in the order of the Hon'ble Division Bench there was no such direction.

In view thereof and in consonance with the order passed by the Hon'ble Division Bench on 11th February,

2025, we direct that after the audit is completed and the report along with the minutes of the managing committee are forwarded to the respondent no.3, the said respondent no.3, who has been asked to supervise the entire audit and facilitate the auditor, would be at liberty to direct the appellant to personally appear before him and to extend all cooperation.

The order impugned in the present appeal is modified to the above extent and the appeal along with the stay application is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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