

04.07.2025
Item No.03.
Court No.06.
S. De

C.O. 3960 of 2024

Somenath Sarkar.
Vs
Kuhumita Sarkar (Brahma) .

Mr. Dipanjan Datta,
Mr. Atanu Basu, ...for the petitioner.

Mr. Ujjal Ray,
Sk. Abdur Rahim,
Ms. Atreya Chakraborty,
Ms. Manishikha Mondal, ...for the opposite party.

This application under Article 227 of the Constitution of India is at the instance of the father of a minor son and is directed against an order being No.23 dated September 23, 2024, passed by the learned Additional District Judge, 4th Court, Berhampore, Murshidabad in Guardianship Case No. 61, 2022.

By the order impugned, the application filed by the petitioner's father praying for permission to admit the minor child to an International English Medium School stood rejected.

The learned Trial Judge was of the view that shifting of the child from one school to another will not be the right approach.

In course of hearing of this civil revision application, parties suggested the names of different schools which, according to the respective parties, are

better than the present school where the minor son is studying. It is the duty of the parties to see that their child gets the best education.

Considering the issue involved in this civil revision application, this Court requested Mr. Supriyo Chattopadhyay, learned Additional Government Pleader who usually represents the School Education Department of the Government of West Bengal to assist this Court as to which of the schools suggested by the respective parties can be said to be a better school so far as the education of the minor son is concerned.

This Court appreciates the prompt steps taken by Mr. Chattopadhyay in course of this day by contacting the concerned authorities of the school education department and apprising this Court as to which of the schools, recognized by the West Bengal Board of Secondary Education, as suggested by the parties will be in the best interest of the child.

Mr. Chattopadhyay, learned Additional Government Pleader submits that he has taken specific instructions with regard to the schools suggested by the respective parties and he submits that Sargachi Ramkrishna Mission School which is recognized under the West Bengal Board of Secondary Education is a better school than the school in which the minor son is presently studying. Mr.

Chattopadhyaya further submits that the schools suggested by the mother namely Jiaganj Raja Bijoy Singh Vidya Mandir is also a better school than the school which the minor son of the parties is presently studying.

The father insists upon admission of the son to an English medium school.

However, considering the future of the minor child, the mother of the child has now agreed that the child may be admitted to an English Medium School but submits that she does not have the capacity to bear the tuition fees as well as other expenses of an English Medium School.

At this stage, Mr. Dutta, learned advocate appearing for the petitioner, upon instructions from his client who is personally present in Court today, submits that the petitioner undertakes to take all steps for getting the child admitted to an English Medium Schools and shall also bear the tuition fees as well as other expenses of the child and shall make arrangement of a private conveyance for the use of the child for attending the school where he will be admitted pursuant to this order from his residence and return.

After hearing the learned advocates for the respective parties and considering the names of the English medium schools suggested by the respective

parties, this Court feels that Azimganj Don Bosco High School, a reputed English Medium School which is recognized under the Council for the Indian School Certificate Examination (CISCE) and is nearer to the residence of the mother/opposite party as suggested by the mother should be preferred than the Don Bosco School suggested by the father/petitioner as the same is situated at a place far off place from the residence of the child.

For the reasons as aforesaid, the impugned order is set aside and C.O. 3960 of 2024 stands disposed of with the following directions :

- 1) The petitioner father shall take all necessary steps for getting the child admitted to Azimganj Don Bosco School (English Medium) and the mother/opposite party shall co-operate with the father in this regard.
- 2) The petitioner shall file an affidavit before the learned Additional District Judge, 4th Court, Berhampore, Murshidabad in Guardianship Case No. 61 of 2022 stating that the father shall bear the admission fees, tuition fees as well as other fees and expenses for the education of the child. In the said affidavit, the father shall also undertake to make an arrangement of a private conveyance which shall be exclusively used by the child and his mother for the purpose of

attending the Azimganj Don Bosco school and return to the residence. The car shall be also provided for the allied activities relating to the education of the son. The said affidavit shall also state that the father shall also undertake to bear the cost of any other extra-curricular activities etc. for the purpose of the overall development of the minor son. In case of failure to perform the obligations as stated hereinbefore and incorporated in the affidavit filed by the father, serious consequences shall follow and the learned Additional District Judge shall pass orders accordingly.

- 3) The mother shall also be allowed to meet the authorities of the school prior to final admission of the child to Azimganj Don Bosco School.

It is, however, made clear that in case of any further complication or any dispute, the parties will be at liberty to approach the learned Trial Judge for appropriate reliefs.

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

(Hiranmay Bhattacharyya, J.)