

13.02.2026
Item No.02
Court No.11
Avijit Mitra

**MAT 219 of 2026
with
IA No.CAN 1 of 2026**

Avyya Todi & anr.

- Versus -

State of West Bengal & ors.

Mr. Jishnu Saha, Sr. Adv.,
Mr. Biswaroop Bhattacharya,
Mr. Anuj Singh,
Mr. Dwaipayan Basu Mallick,
Mr. Arkaprava Sen,
Mr. Sayantan Kar,
Ms. Anushmita Bhattacharya
....for the appellants

Mr. Arka Kr. Nag,
Mr. Manish Biswas

....for the State

Mr. S.N. Mookherje, Sr. Adv.,
Mr. Soumya Majumder, Sr. Adv.,
Mr. Soumya Roychowdhury,
Mr. Biswajit Kumar,
Mr. Raja Baliyal,
Mr. Rajarshi Ganguly,
Mr. Shubhrojyoti Mookherjee,
Mr. Vidhya Bhushan Upadhyay

....for the respondent nos.4 to 6

Affidavit-of-service and the supplementary
affidavit, as filed, be kept on record.

The present appeal has been preferred challenging
an order dated 6th February, 2026 passed by the
learned single Judge in a writ petition being WPA
2929 of 2026. The subject matter of challenge in the
said writ petition was a notice dated 3rd February,
2026 issued by the authorised signatory on behalf of
the RP Goenka International School (in short, said
school).

Mr. Saha, learned senior advocate appearing for the student and his parents being the appellants herein submits that a perusal of the show cause notice dated 3rd February, 2026 would reveal that the authorities of the said school had already arrived at a finding of guilt against the student and had already made up their mind to impose upon him the severest punishment of expulsion from the said school and that too, without supplying the documents upon which reliance was placed for issuance of the said show cause notice. In view thereof, the learned single Judge ought to have granted the *interim* order as prayed for.

He further submits that without issuing any order of suspension, the student has been disallowed from attending his classes and to take the ensuing mid-term examination, which is scheduled on and from 23rd February, 2026 to 28th February, 2026. Such intent and action of the school authorities would cause insurmountable inconvenience to the student concerned and he would not be in a position to complete his academic course pertaining to Class-XI and it would be also impossible for him to take admission to Class XI in any other school.

Mr. Saha further submits that unless the student is allowed to take the mid-term examination and the

final examination which would be held in the month of April, 2026, his academic career would be ruined.

Mr. Mookherjee, learned senior advocate appearing for the said school and its functionaries denies the contention of Mr. Saha and submits that there is no dispute that the student was involved in the incident that took place on 22nd January, 2026 and that prior to issuance of notice dated 3rd February, 2026, the student and his parents were granted an opportunity of hearing.

He argues that the writ petition has not yet been disposed of and made returnable on 23rd February, 2026 keeping the point of maintainability open observing *inter alia* that it would be open for the student and his parents to appear before the school for a hearing and that as such no interference is called for in the present appeal.

In course of hearing and responding to our queries Mr. Mookherjee, in his usual fairness, has submitted that the said school authorities would allow the student to appear in the mid-term examination, which would be held on and from 23rd February, 2026 till 28th February, 2026. However, he shall not be allowed to attend his classes.

He further submits that the school authorities shall grant inspection of the documents and records

upon which reliance was placed towards issuance of the show cause notice dated 3rd February, 2026.

Considering the arguments, as advanced, by the parties and the facts and circumstances of the case, this appeal and its connected application are disposed of with the following directions:

(a) The student shall not attend the classes till the matter is finally heard by the learned single Judge;

(b) The school authorities shall download the study materials pertaining to the mid-term examination and send copies of the same to the student by 17th February, 2026;

(c) The school authorities shall allow the student to appear in the mid-term examination, which is going to be held on and from 23rd February, 2026 to 28th February, 2026, in a separate hall to be arranged by the school authorities;

(d) On 9th March, 2026, the school authorities shall grant inspection of the documents and materials upon which reliance was placed towards issuance of the show cause notice to the parents of the student;

(e) The parents of the student shall appear before the respondent no.6 on 9th March, 2026 at 10.00 a.m. for taking inspection;

(f) Upon taking such inspection on 9th March, 2026, the appellant no.2 would be at liberty to submit a further representation dealing with all the

allegations to the respondent no.6 by 16th March, 2026;

(g) On 18th March, 2026 at 4.00 p.m. the school authorities shall grant an opportunity of hearing to the student and his parents before taking any final decision;

(h) The final decision taken by the school authorities thereafter shall be placed before the learned single Judge with a copy to the appellants.

List the writ petition for further hearing before the learned single Judge on 24th March, 2026, subject to the convenience of the Court.

It is, however, made clear that the learned single Judge would, thereafter, decide the writ petition without being influenced by the observations and/or directions made in the present order.

Needless to observe, all the points raised by the respective parties in the writ petition are kept open to be considered by the learned single Judge.

There shall 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.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)