07-10-2026
Item No.13
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.15828 of 2026
Partho Banerjee & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Rudranil Das ...for the petitioners

Mr. Arhat Biswas
Ms. Prisanka Ganguly ...for the State

Mr. Kunal Ganguly ...for WBBSE

1. The petitioners pray for a direction upon the District Inspector of Schools (SE), Kolkata to consider their representation filed by them praying for cancellation of affiliation of Kamala Chatterjee School for Girls (HS) which has been wrongly shown to be running from premises no.4/20, Fern Road, Kolkata – 700019.

2. The petitioners claim that they are the owners of the property standing at 4/20, Fern Road. The aforesaid school is actually running from the premises no.4/18, Fern Road. By practising fraud the school obtained their affiliation by mentioning premises no.4/20.

3. Prayer has been made to direct the DI to consider the representation for cancellation of the affiliation of the school from premises no. 4/20.

4. Learned counsel for the State relies upon the instruction forwarded by the DI of Schools (SE), Kolkata dated July 28, 2026 wherefrom it appears

that the school in question started in the year 1939 and is currently affiliated under the West Bengal Board of Secondary Education and is functioning as Government sponsored institution.

5. The school has approximately 1050 students and the same is running from classes V to XII. There are as many as 42 employees in the said school. A primary school has been functioning in the same building since long with enrolment of about 350 students.

6. The Registrar of Calcutta University vide memo dated June 24, 1943 granted provisional recognition to the school in the name of Presidency Girls H.S. School at 4/20, Fern Road with effect from January 1, 1943.

7. Vide memo dated October 3, 1955 of the Board of Secondary Education, West Bengal, the name of the school changed to Kamala Chatterjee School for Girls with effect from October 3, 1955.

8. The school building is partly owned and partly rented. The school authority pays rent to the proprietor of the rented building and there has not been any objection from the owner of the premises about the rent being paid. Electricity bills and bank account in the name of the school mentions the address as 4/20, Fern Road.

9. The report of the DI of Schools mentions about a title suit being T.S. No.621 of 2026 filed before the learned Civil Judge (Junior Division) 3rd Additional Court at Alipore wherein an order has been passed restraining the headmistress of the school from creating any third party interest over the suit property. The copy of the plaint has not yet been served upon the defendant/school or the DI of Schools.

10. From the report it further appears that on May 22, 2026 at around 3.34 p.m. a group of unknown persons forcibly entered the school premises and vandalised the computer lab and three classrooms of the school. They threw out the computers from the computer room, all the desk and benches from the classrooms and put their own lock on all the doors of the school premises. The headmistress of the school was assaulted. Preparatory section's office room, common room, primary sections' office and headmistress's room, primary section's office staff room, Sarvo Shikhsa Mission godown room and office room were attacked.

11. FIR by the school was lodged before the Gariahat police station by the headmistress and intimation was given to the DI of Schools. The officer in-charge of the police station opened the closed doors of the school in the evening on May 23, 2026. Two persons were identified in connection with the vandalism case and were arrested by the police. The school authority attended the Court to give witness in respect of the FIR lodged by the headmistress in Gariahat PS Case No.118 of 2026.

12. On a perusal of the documents annexed to the writ petition and upon hearing the submissions made on behalf of the parties and noticing the instruction forwarded by the DI of Schools, it appears that the school is functioning from the said premises for more than eight decades.

13. The petitioners actually dispute the possession of the school at the subject premises being no. 4/20, Fern Road. The representation seeking cancellation of affiliation of the school has been

filed only on 10th June, 2026 whereas there are overwhelming evidences that the school is running from premises no. 4/20 for a considerably long period of time.

14. The petitioners claim that the school is actually running from the premises at 4/18, Fern Road, but surprisingly, the petitioners have not impleaded the owner of premises no.4/18, Fern Road as party in the instant writ petition.

15. The petitioners have also not disclosed about the title suit that has been filed against the school or its officials before the learned Civil Court.

16. The Court is of the considered opinion that the instant writ petition revolves around disputed question of facts. The DI of Schools or any authority in the School Education Department would not be competent enough to ascertain the premises number from where the school is functioning.

17. The petitioners have already sued the school before the learned Civil Court. The said fact ought to have been disclosed in the writ petition.

18. It appears that the petitioners have deliberately suppressed such facts in the writ petition and have sought for a mere direction for consideration of the representation where prayer has been made for cancellation of affiliation of the school which running from the premises no.4/20 for more than 80 years.

19. The Court is not inclined to interfere with the writ petition. The writ petition fails and is hereby dismissed.

20. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

21. Certified server copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]