

04.10.2023
Item No.06
Court No.18
AJ.

W.P.A. 22094 of 2023
Swarup Poddar & Ors.
-Vs-
Council for the Indian School
Certificate Examinations & Ors.

Mr. Kalyan Kumar Bandyopadhyay,
Ld. Senior Advocate,
Ms. Promiti Bandopadhyay,
Mr. Rahul Kumar Singh.
.....for the petitioners.

Mr. Sanjay Kumar Baid.
.....for the CISCE.

Mr. Jayanta Mitra,
Ld. Senior Advocate,
Ms. Chama Mookherji,
Mr. Debjit Mukherjee,
Mr. Anujit Mookherjee,
Mr. Samir Kumar Chowdhury.
.....for the St. Augustine's Day School.

Mr. Bhaskar Prasad Vaisya, A.G.P.,
Mr. Sagnik Chatterjee.
...for the State/respondent no.7.

Mr. Alope Kumar Ghosh,
Mr. Arijit Dey.
...for the KMC/respondent no.8.

Mr. Bilwadal Bhattacharyya,
Ld. DSGI.
...Special Officer.

Affidavit-in-opposition to the writ petition filed on behalf of the authorities of St. Augustine's School, the respondent nos.4, 5 and 6 herein and the reply thereto filed on behalf of the petitioners be kept with the record.

Mr. Baid, learned Counsel for the CISCE, the respondent no.1 herein complains that copy of the aforementioned affidavit-in-opposition has not been supplied to him, such copy be served upon him in course of this day.

The respondent no.1 is directed to file affidavit on the next date of hearing dealing with the allegations made against it in the said affidavit-in-opposition.

The wards of the petitioners are the bona fide students of Class X of the aforementioned school and they would take up the Board Examination in the year 2024.

In the meantime, the respondent no. 1, due to the failure of the school to comply with the directions regarding development of the infrastructure and other incidental matters of the school, has withdrawn the affiliation of it, as a consequence thereof, the registration of the said students with the Board has not yet been done causing an uncertainty for the said students to appear in the Board examination.

The students cannot be made to suffer for the fault of the school authority.

The particulars of the said students have been disclosed in a chart appearing at page 41 of the writ petition being Annexure 'P-1'.

The respondent no.1 is directed to take steps for registration of the said students enabling them to appear in the Board Examinations for the year 2024, the costs of such registration shall be borne by the school authority.

Mr. Baid, learned counsel for the respondent no.1 submits that his client shall inform the school authority regarding the steps taken to register the said students, which the school authority is required to communicate to the petitioners.

On receipt of such communication from the respondent no. 1, the school authority is directed to take appropriate steps accordingly.

The respondent no. 1, on the next date of hearing shall apprise this Court regarding the steps taken to resolve the issue.

It is however made clear that this order has been passed in the particular facts and circumstances of this case and it shall not be treated as a precedent.

Further hearing of the matter shall be taken up on **October 16, 2023** at **10.30 A.M**, list it accordingly.

(Biswajit Basu, J.)