

21.09.2023

Item No.7.

Court No.18

(P.Jana)

WPA 22094 of 2023

Swarup Poddar & Ors.

-Vs-

**Council for the Indian School Certificate
Examinations & Ors.**

*Mr. Kalyan Kumar Bandyopadhyay, Ld. Sr. Adv.
Ms. Promiti Bandopadhyay,
Mr. Rahul Kumar Singh,
.....for the petitioner.*

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

*Mr. Bikash Ranjan Bhattacharya, Ld. Sr. Adv.
(through Virtual mode).*

*Ms. Chama Mookherji,
Mr. Debjit Mukherjee,
Mr. Anujit Mookherjee,
.....for the St. Augustine's Day School.*

*Mr. Billawadal Bhattacharyya, Ld. DSGI,
....as the Special Officer.*

As prayed for, leave is granted to the petitioners to add the State of West Bengal and the Kolkata Municipal Corporation as party respondents to the present writ petition.

The cause title of the writ petition be amended accordingly, copy of the writ petition along with the copy of this order be served upon the said two added respondents.

In compliance with the direction passed by this Court on September 13, 2023, the Principal and the following persons managing the affairs of the school are personally present before this Court, their names and designations are as follows:

- 1) Dr. Richard Gasper, Principal.
- 2) Mr. Umesh Jha, Administrator.
- 3) Mrs. Esther Gasper, Board Member.
- 4) Dr. Nandini Ray, Board Member.

- 5) Mr. Benny Selwyn, Board Member.
- 6) Father Dominic Gomes, Board Member &
- 7) Lawrence William Hartnett, Board Member.

Except the Principal Dr. Richard Gasper and the Administrator Mr. Umesh Jha, personal appearance of the abovementioned other Board Members is dispensed with for the time being.

The report filed by Mr. Bhattacharyya, learned Special Officer, is taken on record, copy thereof has already been circulated amongst the learned counsel for the appearing parties.

The school authority, during the inspection had handed over an Exercise Book in which the attendance of the students of Class-VIII, Section 'D', was allegedly maintained to the Special Officer during the period of Covid-19 pandemic. Mr. Bhattacharya files the said exercise book in a sealed cover countersigned by the school authorities. It is opened in Court and after taking inspection, it is kept in the envelope again which is re-sealed and kept with the record.

Whether the wards of the petitioners are the bona fide students of the school needs to be ascertained first, in aid thereof, the learned advocate on record for the petitioners shall produce relevant documents before the Special Officer.

Ms. Mookherji, learned counsel for the school submits that her client does not intend to file any exception to the report of the Special Officer, she, however prays accommodation to file affidavit-in-opposition to the writ petition.

Let such affidavit-in-opposition be affirmed within September 26, 2023; reply thereto, if any, be affirmed by the petitioners within September 29, 2023.

The matter be listed on **October 04, 2023** at **10.30 A.M.**

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Biswajit Basu, J.)