

Ruby Bhattacharyya Vs. State of West Bengal and Others

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Court : Kolkata

Decided On : Jun-17-2014

Judge : Ashim Kumar Roy

Appellant : Ruby Bhattacharyya

Respondent : State of West Bengal and Others

Judgement :

ORDER

SHEET WP2102012 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE RUBY BHATTACHARYYA Versus STATE OF WEST BENGAL AND OTHERS BEFORE: The Hon'ble JUSTICE ASHIM KUMAR ROY
Date : 17th June, 2014.

Mr.Sadhan Kumar Halder, Advocate for the State-respondent.

The Court : By an order passed on April 17, 2012 in connection with this matter leave was granted to the State-respondent to file the affidavit-inopposition one week after reopening of the Court after the Summer Vacation.

However, no affidavit was filed.

Then again on 27th of January, 2014 liberty was granted to the State-respondent to file affidavit within four weeks thereafter.

Still no affidavit was filed.

Then on 31st of March, 2014 once again leave was granted to file affidavit-in-opposition within four weeks.

Today, on 17th of June, 2014 when this matter is taken up for hearing, it appears that no affidavit has been filed.

The leave to file affidavit was granted on 17th of April, 2012.

Already more than two years have passed, but no affidavit has been filed on behalf of the State-respondent.

Mr.Sadhan Kumar Halder, learned Counsel appearing for the Staterespondent, submitted that in spite of his best efforts, no affidavit could have been filed as the District Inspector of Schools, Kolkata is not providing necessary instructions.

He further pointed out that in connection with this matter, repeated reminders were sent to the District Inspector of Schools, Kolkata for furnishing instruction.

Despite that, he is sitting idle.

This is a case where, in my opinion, the instructions from the District Inspector of School, Kolkata are very much essential for just decision.

At the same time, I am of the opinion that sufficient latitude has been shown to the State-respondent and this time the Court must be strict in this regard.

Accordingly, I direct the District Inspector of Schools, Kolkata to be present in Court tomorrow (18th of June, 2014) with the records of the case positively at 10.30 a.m.and he shall not leave the Court without the express permission of the Court.

Let a signed photocopy of this order be handed over to the learned Counsel for the State-respondent for taking steps in this regard.

All parties concerned are to act on a signed photocopy of this order on the usual undertakings.

(ASHIM KUMAR ROY, J.) sd/

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