

ITEM NO.17

COURT NO.15

SECTION XVI

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 21578/2019

(Arising out of impugned final judgment and order dated 13-08-2019 in CAN No. 7471/2019 passed by the High Court at Calcutta)

WEST BENGAL BOARD OF PRIMARY EDUCATION & ANR. Petitioner(s)

**VERSUS**

BASIR AHMED & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.137111/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.137115/2019-EXEMPTION FROM FILING O.T. and IA No.138846/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 16-09-2019 This petition was called on for hearing today.

**CORAM :**

HON'BLE MS. JUSTICE INDIRA BANERJEE  
 HON'BLE MR. JUSTICE B.R. GAVAI

**For Petitioner(s)**

Mr. Kunal Chatterji, AOR  
 Ms. Maitrayee Banerjee, Adv.  
 Mr. Saurav Gupta, Adv.  
 Supratik Sarkar, Adv.

**For Respondent(s)**

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.  
 Mr. Rauf Rahim, AOR  
 Mr. Bikram Banerjee, Adv.  
 Sudipta Dasgupta, Adv.

Mrs. Sarla Chandra, AOR

**UPON hearing the counsel the Court made the following**  
**O R D E R**

The Special Leave Petition is directed against an order dated 13 August 2019 passed by a Division Bench of the Calcutta High Court dismissing the application in C.A.N No. 7471/2019 for clarification of an earlier order dated 26 June 2019 so that the

said order is not construed to permit appointments to be made, whether in compliance of the impugned order of the Single Bench dated 3 October 2018 or otherwise.

The Division Bench observed that it is a well settled principle of law that mere pendency of an appeal does not operate as a stay and the Supreme Court also while directing that the writ petition be heard along with the appeal did not grant any stay of operation of the impugned judgment and order.

The Division Bench found that the reliefs claimed by the applicants in the aforesaid application were not sustainable and dismissed the said application reiterating that any step taken by any authority would abide by the final result of the writ petition.

We find no grounds at all to interfere with the order of the Division Bench.

The Special Leave Petition is dismissed.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER