

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 41763/2023

(Arising out of impugned judgment and order dated 17-03-2023 in MAT No. 557/2020 passed by the High Court at Calcutta)

THE STATE OF WEST BENGAL & ORS.

Petitioner(s)

VERSUS

SUSHIL KHAN & ORS.

Respondent(s)

(IA No.42838/2024-CONDONATION OF DELAY IN FILING and IA No.42839/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.42840/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No.42837/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-03-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Ms. Anju Thomas, Adv.
Ms. Mantika Haryani, Adv.
Ms. Muskan Surana, Adv.
Ms. Astha Sharma, AOR

For Respondent(s) Mr. Pijush K. Roy, Sr. Adv.
Mr. Pritthish Roy, Adv.
Ms. Kakali Roy, Adv.
Mr. Rajan K. Chourasia, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.
2. Heard Ms. Anju Thomas, learned counsel appearing for the petitioners. Mr. Pijush K. Roy, learned senior counsel appears for the respondents on caveat.
3. The State's counsel would submit that the Division Bench erred

in directing granting of financial aid to the private school particularly when there are other schools in the vicinity of the Shibgachia Jr. High School. According to Ms. Thomas, the obligation arising out of the Right of Children to Free and Compulsory Education Act, 2009 read with the Rules would require the State to address the situation where education facility is not available. But in this case, since other schools are located in the near vicinity, the direction should not have been issued for considering financial aid for the recognised private school.

4. Issue notice, returnable in four weeks.

5. In the meantime, there shall be stay of operation of the impugned order.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR