

26-08-2019
Court No.2
Sh/21.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 123 OF 2019

Swastik Rai. Petitioner.

Vs.

State of West Bengal & Ors. . Respondents.

Mr. Partha Pratim Sarkar,
Mr. Krishna Deo Das.

. . .For the Petitioner.

Mr. Ayanabha Raha,
Mr. Kumar Shantanu.

. . .For the respondent nos.5 and 7.

Mr. Subir Kumar Saha,
Mr. Momenur Rahaman.

. . .For the State.

Affidavit-of-service filed today in Court be kept on record.

The grievance of the present petitioner is that, despite a previous direction of a learned Single Judge of the principal seat of this Court dated July 26, 2018 in WP No. 10966(W) of 2018, the representation of the present petitioner was not considered while publishing a fresh list of appointments to the post of teacher, although other similarly placed voluntary teachers were included in the new list.

Learned counsel for the GTA prays for an opportunity to file affidavit-in-opposition. However, upon query of court, learned counsel fairly submits that it does not appear from the record that any hearing has been given to the petitioner.

As such, no useful purpose will be served in wasting further time in exchanging affidavits

unnecessarily. However, it is deemed that the respondents do not admit any of the allegations made in the writ petition.

In view of the circumstances, WPA 123 of 2019 is disposed of by directing the respondent nos.5 and 7 to consider and dispose of the representation of the petitioner for being absorbed to the post of teacher, as directed by the previous order dated July 26, 2018 passed in WPA 10996 (W) of 2018, in accordance with law and upon giving the petitioner a hearing in the matter.

In the event the petitioner is considered to be eligible for such absorption, the petitioner shall be absorbed to the new list of teachers published by the respondent nos.5 and 7.

It is made clear that the respondent nos.5 and 7 shall dispose of the said representation of the petitioner upon passing a reasoned order, which should reflect the ratio of the decision on such absorption or non-absorption, arrived at on such representation. Such disposal shall be completed within one month from this date.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be made available to the learned advocates for the parties upon compliance of due formalities.

(Sabyasachi Bhattacharyya,J)