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WPA 5834 of 2019
Md. Samsuzzaman
vs
State of West Bengal and Others

Mr. Ekramul Bari,
Ms. Tanuja Basak, **... For the petitioner.**

Mr. Md. Mansul Alam, **...For the state.**

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

Heard learned advocate appearing for the petitioner. None appears for the State respondent.

This Court has requested Mr. Md. Mansur Alam, learned advocate to assist this Court since this matter is similar to WPA 5831 of 2019 where he has represented the state and his appearance may be regularised.

Petitioner has challenged the impugned order dated 30th November, 2018 being Annexure P-6 to the writ petition on the ground that the said impugned order is not in accordance with the law and it has not taken into consideration the decision of this Court in the case of Swapan Kumar Mandal –v- The State of West Bengal & Ors reported in (2016) 4 CHN 500 while passing the impugned order.

Considering the submissions of the parties, this writ petition is disposed of by setting aside the impugned order dated 30th November, 2018 being Annexure P-6 to the writ petition by directing the respondent No. 3/ The District Inspector of Schools (S.E.) North 24 Parganas to consider afresh the case of

the petitioner and by passing a reasoned and speaking order and in accordance with law and by taking into consideration the aforesaid judgment in Swapan Kumar Mandal (Supra), after giving opportunity of hearing to the petitioner or his authorized representative, within eight weeks from date of communication of this order and to communicate his decision to the petitioner within two weeks thereafter.

Let it be recorded that the Court has not gone into the merit of the case and the respondent concerned shall decide the case independently by applying his judicious mind. At the time of hearing, petitioner is free to take all the points raised in the writ petition and the decision he wants to rely.

WPA 5834 of 2019 is disposed of.

(Md. Nizamuddin, J)