

Ct.
No.
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25.03
2021

W.P.A. 770 of 2017
Arsida Khatun
- Versus -
The State of West Bengal & Ors.

Mr. Ekramul Bari
Ms. Tanuja Basak

...For the Petitioner

Mr. T.M. Siddiqui
Mr. S.S. Siddiqui

...For the State Respondents

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated October 05, 2016 passed by the State Project Director, Paschim Banga Sarva Shiksha Mission (PBSSM) under Memo No. 73/1/Legal/334/PBSSM.

I have heard learned Counsel appearing on behalf of the parties and perused the order in detail.

It is to be noted that this order was passed by the authority concerned upon a direction of the Division Bench of this High Court. In my view, this order is required to be quashed and set aside with a direction upon the authority concerned to consider the issue once again in terms of the Division Bench judgment that affirmed the order of the Single Bench.

Accordingly, the State Project Director, Paschim Banga Sarva Shiksha Mission (PBSSM), is directed to consider the issue upon granting an opportunity of hearing to the petitioner and thereafter pass a reasoned order within a period 8 (eight) weeks from date.

The reasoned order should be communicated to petitioner within a week from the date of passing such reasoned order.

I make it clear, I have not gone into the merits of the matter. All points are left open to be decided by the State Project Director, Paschim Banga Sarva Shiksha Mission in accordance with law.

With the above direction, this writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat copy of the order, if applied for, be supplied to the petitioner on priority basis on compliance of necessary formalities.

(Shekhar B. Saraf, J.)