

Court No. 24

30.09.2021

(Item No. 2)

(PM)

**W.P.A 11486 of 2021
(Via Video Conference)**

Madhusudan Ghosh & Ors.
vs
The State of West Bengal & Ors.

Mr. Manik Das
Mr. Falguni Majhi
..... For the petitioners
Mr. Anil Kumar Gupta
..... for UGC
Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay
..... for the State
M. Achintya Kumar Banerjee
Mr. Mehboob Ahmed
Ms. Indumouli Banerjee
..... For the Burdwan University

A report in the form of affidavit by the respondent nos. 3, 4 and 5 filed in Court today is taken on record.

The petitioners claim benefits in terms of the order dated 4th April, 1996 passed by this Court in C.O. No. 893 (W) of 1989.

By the said order the Court directed the respondents to treat the writ petitioners and those similarly placed as 'Teachers' within the meaning of Sub-sections 21 and 22 of Section 2 of the Burdwan University Act, 1981 and to grant them all consequential benefits from date.

According to the petitioners, the scale of pay as applicable for the 'Teachers' has not paid to them. The petitioners made several representations and alleges that the representations have not been answered by

the respondents till date. One of such representation dated 24th March, 2021 is annexed at pages 69 to 72 of the writ petition.

The learned advocate representing the Burdwan University submits that the prayer of the petitioners were duly considered in the Executive Council meeting held on 22nd October, 2019 whereby the Executive Council disclosed their inability to accommodate the prayer of the petitioners.

The resolution dated 22nd October, 2019 has been annexed to the report filed by the University.

The learned advocate for the petitioners submits that the aforesaid resolution was never communicated to them. They got the knowledge of the said resolution from the report filed by the University.

It appears from the resolution that the reason to regret is not mentioned therein. The petitioners were never communicated the reasons as to why their prayer for grant of benefits in terms of the order passed by the Court cannot be granted to them.

In view of the above, the instant writ petition is disposed of by directing the respondent Nos. 3, 4 and 5 to take a decision with regard to the representation made by the petitioners on 24th March, 2021 strictly in compliance of the direction passed by the Court on 4th April, 1996 in C.O. 893 (W) of 1989. The aforesaid respondents shall pass a reasoned order at the

earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. The reasoned order shall be communicated to the petitioners immediately thereafter.

The petitioners are directed to forward a copy of their representation dated 24th March, 2021 and a copy of the order dated 4th April, 1996 passed by this Court in C.O. 893 (W) of 1996 to the aforesaid respondents at the time of communicating the order of the Court.

If required, the aforesaid respondents may afford an opportunity of hearing to the petitioners or their authorized representative and permit them to rely upon such documents as may be required for taking a decision in the matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)