

08.04.2021
S/L No. 07
Court No.16
SG/s.biswas

WPA 8051 of 2020

Dr. Atanu Sasmal
Vs.
The State of West Bengal & others

Mr. Pradip Kr. Roy,
Ms. Sraboni Sarkar, Advocates
... ... for the petitioner

Mr. Swapan Kr. Datta, Id. Sr. Adv.
Mr. Tapas Kr. Dey, Advocate
... ... for the respondents

The writ petitioner claims to be an Associate Professor at present working with Visva Bharati, Shantiniketan since February 1, 2013. Prior to that he was working with Abhedananda Mahavidyalaya, Sainthia, Birbhum. According to the petitioner, he is entitled to a *pro rata* pensionary benefits for rendering service for the period between January 29, 1988 to January 31, 2013 in the West Bengal Education Service.

Submission was made on behalf of the petitioner that unless necessary permission is granted by the 5th respondent, such a benefit cannot be extended to the petitioner by his present employer.

The principal officers of Visva Bharati, viz., the Registrar and the Joint Registrar are impleaded as 8th and 9th respondent herein. However, they are not represented today.

Mr. Swapan Kumar Datta, learned Senior Advocate on behalf of the State submitted that, to consider the case of the petitioner, the 5th respondent requires to have all the necessary and requisite documents, records and papers relating to his service career before it.

After hearing the submissions made on behalf of the parties and on perusal of the material before this Court, it appears from the writ petition that the erstwhile employer of the petitioner, viz., Abhedananda Mahavidyalaya had already submitted the necessary records and documents relating to the service career of the petitioner before the 5th respondent pursuant to the requisition made by the 5th respondent dated March 8, 2016. In such circumstances, this Court is of the firm view that justice would be subserved if the case of the petitioner is directed to be considered by the 5th respondent within a specific time frame.

In view of the above, the 5th respondent is directed to consider by treating this writ petition as the representation of the petitioner upon giving a hearing notice of at least 7 days to the writ petitioner and after giving an opportunity of hearing to the writ petitioner and the Registrar, Visva Bharati on the issue in accordance with law and to pass a reasoned order and communicate the same to the petitioner and the 8th respondent forthwith. In course of such hearing, the petitioner can

rely upon whatever documents, if required any further and asked for by the 5th respondent.

The entire exercise as directed above must be carried out and completed within a period of 8 weeks from the date of receipt of this order along with a copy of the writ petition by the 5th respondent.

In the event the decision of the 5th respondent goes in favour of the petitioner, then the Visva Bharati authority must act thereupon in accordance with law within a further period of 4 weeks from the date of receipt of such reasoned order to be passed by the 5th respondent.

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

In the light of the above, the present writ petition being **WPA 8051 of 2020** stands disposed of.

There shall be, however, no order as to costs.

(Aniruddha Roy, J.)