

17.02.2022
SL No. 63
Court No. 22
Ali

WPA 9764 of 2020
IA No. CAN 1 of 2021

Moyazzem Hossain
Vs
State of West Bengal & Ors
(Via Video Conference)

Mrs. Seba Roy, Sr. Adv.
Mr. Samim Ahammed,
Ms. Saloni Bhattacharjee
Ms. Gulsonwara Pervin,
Ms. Ambiya Khatun.

.....For the Petitioner.

Mr. Subhrangsu Panda, Advocate
.....for WBCSC.

This is an application for recalling of the order dated March 22, 2021 filed by the 4th respondent in the writ petition, namely, Swarnamoyee Jogendranath Mahavidyalaya, College (for short, the College).

Under the said order dated March 22, 2021 the college authority was directed to take a decision on the representation of the writ petitioner for changing his name as claimed and in the event the writ petitioner was found eligible for the same then the College Service Commission was directed to take all necessary steps thereupon.

The recalling application has been made on the ground, as would appear from the averments

made therein specifically from paragraph No. 17 thereof, that the College was not aware of the said hearing of the writ petition and as such the College could not be represented and the order was passed in their absence.

Mr. Subhrangsu Panda, learned advocate represents the West Bengal College Service Commission and filed an affidavit affirmed on December 3, 2021. The said affidavit contains a letter of the College Service Commission dated December 7, 2017. The last paragraph of the said letter states as follows:-

“Now, the West Bengal College Service Commission has no objection if the College Authority allows him to join the College on the basis of the affidavit submitted by him affirming his name as Moyazem Hossain Mondal”.

Today the learned advocate representing the College submits that, he has not received any instruction from his client in the matter.

From the submission made by Mr. Samim Ahmmed, learned advocate appearing for the petitioner and on perusal of the materials before this Court, it appears that the question of the career of the writ petitioner is involved and with the passage of time the same is getting jeopardized.

After considering the submissions made on behalf of the appearing parties and after considering the materials on record, it appears to this Court that the relief as claimed by the writ petitioner which has already been allowed for consideration of the appropriate authorities as indicated in the order dated March 22, 2021 are purely an administrative Act. If the authorities are satisfied that the claim of the writ petitioner can be allowed, then the authorities will take steps accordingly, as directed while disposing of the said writ petition. Since there is no objection on the part of the West Bengal College Service Commission for change of name of the writ petitioner the said order dated March 22, 2021 stands as it is without any modification or alteration save and except that there is no objection on the part of the College Service Commission for such change of name and the College authority shall take notice of such no objection issued by the West Bengal College Service Commission.

The college authority is thus, directed to carry out the said order dated March 22, 2021 forthwith and not later than March 10, 2022.

In view of the above, the **CAN 1 of 2021**
stands disposed of.

(Aniruddha Roy, J.)