

S/L 28
08.12.2021
Court No.13
suvayan

WPA No. 11233 of 2020
With
I.A: CAN 1 of 2021
(Via Video Conference)

Frostees India Pvt. Ltd.
Vs.
The State of West Bengal & Ors.

*Mr. Pinaki Bhattacharyya,
Mr. Kushal Das,
Mr. Arka Bhadra,
Mr. Amartya Bhattacharyya.*

...for the petitioner.

*Mr. Swapan Kumar Dutta,
Ms. Soumi Guha Thakurata.*

...for the State.

*Mr. Rachit Lakhmani,
Mr. Indrajit Dey,
Ms. Rajyashree Mukherjee,
Ms. Arpita Das.*

...for the applicants.

Petitioner has been engaged by the State to impart training to students, under a Utkarsh Bangla scheme. It appears that the scheme is a training for the under privileged in society, to impart certain basics to enable them to function in the main stream of the society.

The training is vocational. The certification, enrolment, evaluation is to be done by the State and only the training is provided by *inter alia* the writ petitioner.

The petitioner submits that notwithstanding completion of training and submission of attendance sheets the State has refused to issue admit cards or evaluate the

students. The effect is that the writ petitioner is not being paid for services rendered.

This Court is of the view that the matter involves disputed questions of fact and in the realm of a private contract, with the State. The writ petition may not otherwise be maintainable. However, this Court notes the first prayer in the writ application is for a direction upon the Project Director, Technical Education, Paschim Banga Society for Skill Development to consider a representation dated 18th September, 2020.

The petitioner at least entitled to be heard by the State on the grievances contained in the representation.

WPA 11233 of 2020 is disposed of by directing the Project Director, Paschim Banga Society for Skill Development (PBSSD), respondent no.3 to consider and dispose of the writ petitioner's representation dated 18th September, 2020 mandatorily and positively within four weeks from the date of receipt of a copy of this order.

A reasoned order may be passed and communicated to the petitioner within a week thereof. A representative of the writ petitioner, may be heard in person by the third respondent, before any order is passed.

Since the respondents have not used any affidavit the allegations with the writ petition shall not be deemed to have been admitted by them. The intervention application being CAN 1 of 2021, is dismissed as not pressed without prejudice to any rights and contentions.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Rajasekhar Mantha, J.)