

S/L. 36.
20.09.2021
pk

**Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction**

W. P. A. 269 of 2020 (Via Video Conference)

Mahad Ali Md.

-Vs.-

The State of West Bengal & others

Mr. Jagriti Mishra,
Mr. Debayan Goswami,
Mr. Subha Gupta
...for the petitioner.

Mr. Bikramaditya Ghosh
Mr. Momenur Rahman
... for the State.

By order dated 19.02.2020, the respondent was directed to file an affidavit as to whether the writ petitioner would be entitled to the benefit of memo dated 16th September, 2011 being annexure P2 to the writ petition.

It was also provided that if the respondent finds the petitioner eligible, the pendency of the writ petition would not prevent the respondent from granting benefit to the petitioner under the aforesaid memo and its subsequent amendments and replacements. It appears that the respondents have not taken any steps in that regard. No report or affidavit has been filed till date.

In that view of the matter, the Joint Secretary, Department of Panchayats and Rural Development, the respondent no. 2 herein shall take a decision in the matter mandatorily and positively within a period of three months from the date of communication of a copy of this order.

It is made absolutely clear that in the event, no decision is taken by the respondent no. 2, as directed herein above, it will be understood and accepted by the State that the petitioner is infact eligible for benefits under the aforesaid circular dated 16th September, 2011 and/or its subsequent amendment and/or replacements.

The petitioner shall serve a copy of this order on the respondent no. 2 along with a copy of the writ petition afresh.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)