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ORDER SHEET
WPO 443 OF 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BIRENDRA NATH GHARAMI
Versus
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE RAJARSHI BHARADWAJ
Date : 12TH March, 2021

Appearance:
Mr. Anjan Bhattacharya, Adv.
...for the petitioner

Mr. B.P. Vaisay, Adv.
Mr. Joydip Banerjee, Adv.
...for the State

The Court : Mr. Bhattacharya, learned Counsel appearing for the petitioner challenges an order dated 19th March, 2020 passed by the Principal Secretary denying the petitioner regular pension from the date of his retirement upon regularizing his qualifying service. Learned Counsel further submits that while considering the application of the petitioner, the Principal Secretary has not looked into the judgment of his Lordship Hon'ble Justice Tapabrata Chakraborty

passed on 22nd August, 2019 where his Lordship came to a conclusion that the deficiency in qualifying service can be condoned and the petitioner can be disbursed with consequential benefits.

Mr. Vaisay, learned Counsel appearing on behalf of the State fairly submits that the order dated 19th March, 2020 has been passed without considering the judgement of his Lordship Hon'ble Justice Tapabrata Chakraborty dated 22nd August, 2019.

As the judgement dated 22nd August, 2019 has not been considered by the Principal Secretary while passing his order dated 19th March, 2020, this Court set aside the order dated 19th March 2020 and request the Principal Secretary to pass an order again in the light of the judgement in Writ Petition No. 393 of 2019 passed by Hon'ble Justice Tapabrata Chakraborty dated 22nd August, 2019.

Learned Advocate-on-record of the petitioner is requested to serve a copy of this writ petition along with the copy of this Court's order to the Principal Secretary, School Education Department within seven days from today.

The Principal Secretary will consider the writ petition as a representation before him and pass a reasoned order within sixteen weeks from today after giving an opportunity of hearing to the petitioner and allow the petitioner to produce necessary documents at the time of hearing. The Principal Secretary is also requested to communicate the reasoned order to the petitioner at an earliest.

I make it clear that I have not gone into the merits of the case and all points are left open to the Principal Secretary to be decided on merits.

The writ petition being WPO No.443 of 2020 is disposed of, accordingly.

No order as to costs.

Urgent certified copies, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(RAJARSHI BHARADWAJ, J.)

Sbghosh