

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2627 of 2022

M/s. Smartaim Educare
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
... For the petitioner.

The respondents remain unrepresented even at the second call.

The petitioner says that the petitioner was issued a work order by Paschim Banga Society for Skill Development (in short, "PBSSD") Technical Education, Training & Skill Development Department, Government of West Bengal for SMART Accreditation for training under PMKVY-CSSM scheme. The petitioner says that he has successfully completed the work assigned under the four work orders all dated 4th July, 2019, appearing at pages 33 to 36 of the writ petition but the payments in terms of such work orders have not been released. The petitioner's claim arises out of a contract between the petitioner and PBSSD. Ordinarily, the writ petition is not entertained for enforcement of a contractual relationship that too involving monetary claim. However, relegating the petitioner to a civil suit at this stage will be harsh. The State Government had engaged the petitioner and has derived benefit out of the work done by the petitioner.

Keeping in mind that there may be dispute between the parties, which cannot be gone into in writ jurisdiction, I direct the respondent no.2, being the Principal Secretary, PBSSD, to consider and dispose of the petitioner's representation dated 8th October, 2020 after affording the petitioner a reasonable opportunity of hearing and by passing a reasoned order. The reasoned order so passed shall be communicated to the petitioner within ten days from the date of passing of the same.

It is made clear that consideration of the monetary claims of the petitioner in terms of this order shall not revive the limitation in respect of the petitioner's claim, if the claims are already barred by limitation or allowing enforcement of a contractual obligation by an unregistered partnership.

The petitioner shall serve a server copy of this order on all the respondents. By way of an abundant caution, the petitioner shall serve a copy of the writ petition with all annexures to the respondent no.2.

The respondents, including the respondent no.2, shall act on the basis of the server copy of this order without insisting upon production of certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without

any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)