

S/L 18
10.08.2022
Court. No. 22
suwayan

WPA 2988 of 2015

Prativa Biswas (Halder)
Vs.
The State of West Bengal & Ors.

Mr. Sandip Kumar De
Mr. Aniruddha Poddar

...for the petitioner.

Pursuant to the direction made on July 20, 2022, notice was served upon the respondents. Affidavit-of-service in this regard filed today, is taken on record.

This Court is informed by the learned Counsel for the petitioner that, despite direction no affidavit-in-opposition has been filed.

This is a second round of writ litigation filed by a Primary School Teacher.

The first round of writ petition was concluded by a judgment and order dated July 3, 2012 passed by a co-ordinate Bench in the matter of ***Prativa Biswas (Halder) vs. State of West Bengal, through Secretary Department of School Education (P.E) reported at (2012) 3 CHN 630.***

In terms of the said decision of the co-ordinate Bench, the State authority had given appointment to the petitioner in her service and since then she has been working as such.

After joining the service, the respondent authorities did not pursue the case of the petitioner to undergo two years **D.El.Ed Course (ODL Mode), 2014.** The respondent authorities also did not consider

the claim of the petitioner in respect of fixation of notional service benefits which effect from April 12, 2010, despite series of representations made by the petitioner dated May 12, 2010, **Annexure P–1** to the writ petition and also **Annexure P–8** to the writ petition.

The petitioner claims that after filing of this second round of writ petition, the respondent authorities had allowed the petitioner to undergo the said years **D.El.Ed Course (ODL Mode), 2014** and she had completed the same. Therefore, the petitioner is relinquishing her relief insofar as prayer (a) to the writ petition is concerned.

At this stage, the principal relief, of the petitioner claimed in this writ petition is prayer (b) thereto.

Despite notice the respondents are not represented and no accommodation has been sought for.

After hearing the learned Counsel appearing for the writ petitioner and on perusal of records, it appears that the representations made by the petitioner as stated above are necessarily required to be considered with a reasoned decision by the respondent authorities. A substantial time had already elapsed from submission of such representations by the petitioner and the respondents failed to consider the same.

Learned Counsel appearing for the writ petitioner submits that the issue involved in this writ petition at present is already covered by the dictum of the Hon'ble Supreme Court in the matter of **Lakshmana Rao Yadavalli & Anr. Vs. State of Andhra Pradesh &**

***Ors. reported at (2014) 13 Supreme Court Cases
393.***

Be that as it may, to decide the issue involved in this writ petition, this Court is of the considered view that, justice would be sub-served if the appropriate authority of the State is directed to consider the representations submitted by the petitioner on the issue and to come to a reasonable conclusion with a reasoned decision.

Accordingly, the third respondent is directed to consider the representations of the petitioner being **Annexures P-1 and P-8** to the writ petition along with the case made out in the writ petition with its annexures treating the same to be a consolidated representation and after giving an opportunity of hearing to the petitioner in accordance with law and then to pass its reasoned order/decision on the issue.

The third respondent to carry out the aforesaid direction shall issue at least a seven days prior hearing notice upon the petitioner and carry out the entire exercise as directed above within a period of six weeks from the date of communication of this order. The third respondent, thereafter, shall communicate its reasoned order/decision to the petitioner within a further period of two weeks from the date of such reasoned order/decision to be passed.

In the event such reasoned order/decision goes in favour of the petitioner then the respondent authorities and/or its appropriate authorities shall give all the benefits to what the petitioner shall be eligible to receive

on account of her employment in every respect and manner in accordance with law and shall give effect thereto by giving proper reflection to the carrier report/service record of the petitioner forthwith and positively within a further period of six weeks from the date of communication of the said reasoned order/decision to the petitioner.

It is made clear that this Court has not gone into the merit in this writ application in any manner and the petitioner will be free to argue all the points and issues including the legal provisions, if there is any, in favour of the petitioner before the third respondent.

On the above terms, this writ petition, **WPA 2988 of 2015** stands disposed of.

(Aniruddha Roy, J.)