

WPA 5276 OF 2021

Atanu Das

Vs.

The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury
Ms. Deborupa Mukherjee.

....For the petitioner

Mr. Bhaskar Prasad Vaisy
Mr. Sagnik Chatterjee.

....For the Respondents
State.

Affidavit-of-service, filed in Court, is taken on record.

The petitioner claims to be an Assistant Teacher and was working at Duttapukur Mahesh Vidyapith (H.S.) Chandrapur Duttapukur, North 24-Parganas since 1998. On the basis of a criminal complaint the petitioner was arrested and was on bail subsequently. The petitioner was suspended from his employment since July 3, 2018, **Annexure-P7** to the writ petition. The petitioner made representation on September 18, 2018 before the respondent no.3

Mr. Ashis Kumar Chowdhury, learned counsel appearing for the petitioner submits that since then the said representation of the petitioner dated September 18, 2018 at page 48 of the writ petition had not received any attention of the State authority.

Mr. Bhaskar Prasad Vaisya, learned State counsel appears for the respondent nos. 1, 2 and 5. The rest of the respondents are not represented.

In view of the above, the respondent no.3 is directed to consider the said representation of the petitioner dated September 18, 2018 at page 48 of the writ petition upon a prior hearing notice of at least seven days being served on the petitioner and the respondent nos. 7 and 8 and after giving them an opportunity of hearing shall decide the issue with a reasoned order/decision.

The entire exercise as directed above, shall be carried out by the respondent no.3 within a period of six weeks from the date of communication of this order. The respondent no.3 shall communicate his reasoned order/decision to the petitioner and the respondent nos. 7 and 8 within a further period of two weeks from the date of the said reasoned order/decision to be passed.

It is made clear that this Court has not gone into the merit of the claim of the writ petitioner in any manner. The writ petitioner shall be at liberty to urge whatever points he wishes to urge and to rely upon whatever documents and records he wishes to rely upon before the respondent no.3. The respondent nos.7 and 8 shall cooperate with the respondent no.3 and shall comply with its direction in all possible manner without any default.

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

It is further made clear that this order shall not create any equity in favour of the petitioner if he is not eligible to his claim strictly in accordance with law.

On the above terms this writ petition, **WPA 5276 of 2021** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)