

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5650 of 2021

Goutam Chatterjee
Vs.
The State of West Bengal & Ors.

Mr. Rajendra Banerjee
Mr. Subhendu Roychoudhury
... For the petitioner

Mr. Susanta Pal
Mr. Prabir Kumar Ray
... For the State

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

The petitioner claims to be working as a Clerk at
Rampurhat Girls' High School, Birbhum.

The petitioner had completed his 18 years of
service and, as such, claimed the benefit for the same.
The relevant school authority by its communication
dated June 30, 2018 sent the requisite papers before the
respondent no.3, "**Annexure P-6**" to the writ petition.
The respondent no. 3 had not paid any heed thereto. The
relevant resolution of the school dated April 21, 2018 is
also part of the record as "**Annexure P-6**" to the writ
petition.

A reminder/representation dated July 29, 2019
was also submitted by the relevant school authority

before the respondent no.3 (**Annexure P-8** to the writ petition).

Mr. Prabir Kumar Ray, learned advocate, led by Mr. Susanta Pal, learned advocate, appears for the State respondents.

Considering the submissions made on behalf of the parties and considering the materials on record, to subserve justice, the respondent no.3 is directed to decide the issue on the basis of the documents at **Annexure P-6** and **Annexure P-8** to the writ petition upon issuing at least seven days prior hearing notice to the petitioner and the respondent no.4/Headmistress and after hearing them, shall pass its reasoned order/decision in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of six weeks from the date of communication of this order.

The respondent no.3 then shall communicate the reasoned order to the petitioner and the respondent no.4 within a further period of two weeks from the date of the said reasoned order to be passed.

While deciding the issue, the respondent no.3 shall take into consideration the Government Memorandum, bearing No.**181-SE(B)/5B-1/09** dated

October 8, 2009 and the applicability of the provisions thereunder.

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 and the respondent no.4 shall be at liberty to urge whatever points they wish to urge relying upon whatever documents and records they wish to rely upon. The respondent no.4 shall cooperate the respondent no.3 in every respect.

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

It is also made clear that this order shall not create any equity and right in favour of the petitioner in the event the petitioner is not eligible to receive his claim strictly in accordance with law.

In the event the reasoned decision goes in favour of the petitioner, the respondent no.3 shall take all necessary and consequential steps in accordance with law positively within a period of four weeks from the date of the communication of the said reasoned order to the petitioner so that the petitioner shall receive his retiral benefits.

On the above terms, this writ petition, **WPA 5650 of 2021**, stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)