

07.11.2022
Item No. 34
BR

WPA 5749 of 2021

Ramjan Khan and Ors.

Vs.

State of West Bengal & Ors.

Mr. Sudipta Dasgupta
...for the petitioners

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal
... for the State

There are two writ petitioners. Court fees are being paid on behalf of the one only. Subject to the payment of the ad-valorem Court fees with the department this order shall be effective. Payment of such Court fees must be paid by tomorrow.

Petitioners are the participants in the selection process conducted by the School Service Commission for the post of Assistant Teachers for classes XI-XII. They applied under the category of physically handicapped/challenged (Orthopedic handicapped). The first petitioner applied for the subject History and the second petitioner applied for Sanskrit.

Petitioners claimed that though they are eligible in law to become selected in their respective posts under the category as they have applied for but till date no decision was taken by the State Authority.

In view of the above justice would be subserved if the respondent no. 4 is directed to consider the representation of the petitioners upon giving at least seven days prior hearing notice to the petitioners and after giving them opportunity of hearing and shall decide the issue with the reasoned order.

The petitioners shall be at liberty to file their respective comprehensive representation with all the copies of the necessary records and documents before the respondent no. 4 within a period of three weeks from date.

In the event such representations are filed the respondent no. 4 then after giving the notice of hearing as directed above and after giving hearing to the petitioners shall decide the issue in his reasoned order/decision .

The entire exercise shall be carried out by the respondent no. 4 within a period of eight weeks from the date of receiving the comprehensive representations from the petitioners. The respondent no. 4 then shall communicate his reasoned decision /order to the petitioners within a further period of two weeks from the date of such reasoned order to be passed.

In the event such reasoned order goes in favour of the petitioners, all consequential steps shall be taken by the respondent no. 4 forthwith and positively within a further period of six weeks from the date of communication of the said reasoned order to the petitioners.

It is made clear that this Court has not gone into the merits in the writ petition in any manner.

The petitioners shall be at liberty to urge all the points they wish to urge and they shall rely upon whatever documents and records they wish to rely before the respondent no. 4.

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

On the above terms this writ petition, **WPA 5749 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.)