

WPA 4578 OF 2020

Sowkat Hossain Piyada

Vs.

The State of West Bengal & Ors.

Mr. Chandan Misra
Ms. Sarda Sha.

....For the Petitioner

Mr. Tapan Kumar Mukherjee
Ms. Saheli Mukherjee.

....For the State

On the undertaking of Mr. Chandan Misra, learned advocate for the petitioner that in course of the day affidavit-of-service shall be filed before this Court and the same shall be taken on record, this order shall be effected.

The petitioner claims to be an **Assistant Teacher at Maulana Abul Kalam Azad Memorial High Madrasah (H.S.), District- North 24-Parganas**. He claims pay protection in terms of a circular issued by the State dated May 12, 2006 appearing at page 41 of the writ petition, **Annexure-P13** thereto. The petitioner submitted a representation/application, **Annexure-P5** to the writ petition dated June 26, 2014 appearing at page 25 of the writ petition. Another representation was dated November 27, 2014, **Annexure-P6** appearing at page 26 to the writ petition and a demand justice dated December 16, 2019, **Annexure-P12** to the writ petition.

Mr. Chandan Misra, learned advocate appearing for the petitioner submits that the said representations had not been addressed by the State authority.

Ms. Saheli Mukherjee, learned advocate appears for the respondent nos. 1 to 4 led by Mr. Tapan Kumar Mukherjee, learned senior State advocate.

In view of the above, the respondent no.4 is directed to consider the said representations of the petitioners being **Annexures - P5, P6 and P12** to the writ petition after giving at least a seven days' prior hearing notice to the petitioner and the respondent no.6 and after giving them an opportunity of hearing shall pass its reasoned order/decision on the issue.

It is needless to mention that while taking decision, the respondent no.4 shall also take into consideration the relevant circular dated May 12, 2006 at page 41 to the writ petition being **Annexure-P13** thereto.

The entire exercise as directed above shall be carried out and completed by the respondent no.4 positively within a period of six weeks from the date of communication of this order. The respondent no.4 shall communicate its reasoned order/decision to the petitioner and the respondent no.6 within a further period of two weeks from the date of the said reasoned order/decision to be passed.

The respondent no.6 is directed to cooperate and render all assistance to the respondent no.4 to take its decision.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner. The writ petitioner shall be at liberty to urge all the points and shall be at liberty to rely upon whatever records and documents he wishes to rely upon before the respondent no.4.

This order shall not create any equity in favour of the petitioner if the petitioner is not otherwise eligible to his claim strictly in accordance with law.

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 4578 of 2020** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)