

Court No. 22
12.9.2022
(Item No. 9)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 7608 of 2022

Md. Nazmul Hossain
VS
The State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee
Mr. Nirej Gupta
..... for the petitioner
Mr. Swapan Kumar Datta
Mr. Rajat Dutta
..... For the State

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

The petitioner claims to be an **Assistant Professor, Sanskrit** at Banwarilal Bhatolia College, (for short, the College). By an order/decision dated August 28, 2020 he suffered dismissal of his employment issued by the fifth respondent. The petitioner also suffered an order of suspension dated November 2, 2019. Challenging the said order of suspension and dismissal from his employment the petitioner filed this writ petition.

Mr. Swapan Kumar Dutta, learned senior counsel appears for the State.

Considering the averments made in the writ petition and the reliefs claimed there under, this Court is of the considered view that, several factual aspects need to be gone into while to take a decision as claimed by the writ petitioner.

In view of this, this Court is also of the firm opinion that, justice can be sub-served if the appropriate respondent authority is directed to take a reasoned decision on the claim of the petitioner after affording an opportunity of hearing to the petitioner and the relevant necessary parties.

Since the order of dismissal dated August 28, 2020, **Annexure P-8** to the writ petition was issued by the fifth respondent, the fourth respondent shall take the decision and pass his reasoned order.

Pursuant to the leave granted by a co-ordinate Bench on May 5, 2022 the sixth respondent had been added and served. However, the sixth respondent is not represented today when the matter was called on.

In the premises the petitioner will be at liberty to make a comprehensive representation before the fourth respondent on or before September 19, 2022 upon a copy being served on the sixth respondent.

In the event such comprehensive representation is made by the petitioner, the fourth respondent shall decide the issue and come to a reasonable conclusion with his reasoned decision/order after giving at least seven days prior hearing notice to the petitioner, fifth respondent and the sixth respondent and then after granting an opportunity of hearing to them shall pass a reasoned decision/order in accordance with law. The sixth

respondent may be represented before the fourth respondent through its authorized representative.

The entire exercise as directed above, shall be carried out and completed by the fourth respondent within a period of ten weeks from the date of receipt of such comprehensive representation to be submitted by the petitioner. The fourth respondent then shall communicate his reasoned decision/order to the petitioner, the fifth respondent and the sixth respondent within a further period of two weeks from the date of the said reasoned decision/order to be passed.

In the event, the reasoned decision/order goes in favour of the petitioner, the fifth respondent and also the respondent No. 3 and/or the Governing Body of the College shall take all necessary and further steps to give effect to the said reasoned decision/order to be passed by the fourth respondent and shall give all benefits to the petitioner strictly in accordance with law within a further period of six weeks from the date of communication of the said reasoned order/decision to them.

It is made clear that, this Court has not gone into the merit of this writ petition in any manner. All points are kept open for the parties to argue 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.

The petitioner is directed to serve a copy of this order upon all concerned forthwith.

On the above terms, this writ petition being **WPA 7608 of 2022** stands allowed.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)