

77
20.05.2022
Court No.24
B.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 8024 of 2022

**Md. Sademan Ali
Versus
The State of West Bengal & Ors.**

Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Haque
... for the respondent no.6

Mr. Somnath Mukhopadhyay
... for the State

The petitioner was appointed as an Assistant Teacher in Raghunathpur Primary School under Raghunathpur Circle, Murshidabad in the year 2019 pursuant to the order passed by the Hon'ble Supreme Court of India on 24th January, 2019 in Civil Appeal No.1071 of 2019 arising out of SLP (C) No.29518 of 2016 (Amina Khatun & Ors. vs. Birbhum District Primary School Council).

The petitioner alleges that he was eligible for appointment in the year 2009 but as the recruitment process got entangled in legal complications going up to the Hon'ble Supreme Court of India, the appointment letter was finally issued in his favour in the year 2019.

The petitioner submits that he is entitled to get all notional benefits from the date he became eligible for appointment in the year 2009.

It appears from the documents annexed to the writ petition and the submission made on behalf of the petitioner that the petitioner did not approach the respondent authority with his prayer for grant of notional benefit for the period 2009 to 2019. He approached this court directly by filing the present writ petition.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to file a comprehensive representation with all facts, figures and documents to the District Inspector of Schools, Primary Education, Murshidabad. In the event, a proper representation is made annexing all document in support of the prayer made, the District Inspector of Schools, Primary Education shall consider the same strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all

points are left open to be decided at the time of consideration of the representation of the petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)