

Court No. 22
07.9.2022
(Item No. 28)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8648 of 2022

Jasimuddin Ahamed
VS
The State of West Bengal & Ors.

Mr. Indranath Mitra
Mr. Siddhartha Ruj
..... for the petitioner
Mr. Avishek Prasad
..... For the State

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

It appears that nobody represents the respondents despite notice.

Mr. Avishek Prasad, learned advocate is present in Court who normally appears for the State. Considering the issues involved in this writ petition the Court requests Mr. Prasad, learned State counsel to hold the brief in this matter and the office of the learned Government Pleader is requested to regularize his appointment in this matter forthwith.

The writ petitioner claims to be an **Assistant Teacher** in the Arts Stream at **Badlangi Indu Bhowmik Smrity Madrasah Shiksha Kendra, District Nadia (for short, the School)**. The appointment letter is **Annexure P-1** to the writ petition.

Following the prayer for approval at the said post of **Assistant Teacher** made by the petitioner the relevant School by a letter dated April 7, 2022 also

made a representation before the forth respondent. The petitioner also made a representation dated December 14, 2021, **Annexure P-6** to the writ petition before the seventh respondent.

Considering the issues involved in the writ petition and the prayers made thereunder, this Court is of the firm view that, the grievance of the writ petitioner can be redressed and justice will be subserved, if the appropriate authority of the respondents is directed to consider a comprehensive representation to be made and submitted by the petitioner before it with a reasoned order after giving an opportunity of hearing to the writ petition and the respondent No. 7.

In view of the above, the petitioner will be at liberty to make a comprehensive representation annexing the necessary documents before the fourth respondent on or before September 20, 2022 with a copy to the respondent No. 7.

In the event, such representation is made by the petitioner, the fourth respondent shall decide the issue on the basis of such comprehensive representation by passing a reasoned decision/order thereupon. The fourth respondent shall issue at least seven days prior hearing notice upon the petitioner and the seventh respondent and then after giving an opportunity of hearing both of them shall decide the

issue on such comprehensive representation and shall pass a reasoned decision/order.

The entire exercise as directed above shall be carried out and completed by the fourth respondent within a period of six weeks from the date of receipt of the said comprehensive representation along with a copy of this order. The fourth respondent then shall communicate its reasoned decision/order to the petitioner and the seventh respondent within a further period of two weeks from the date of the said reasoned order/decision to be passed.

In the event, the said decision/order goes in favour of the petitioner, the respondent No. 4 shall take all necessary consequential steps forthwith to give effect to such reasoned decision/order and to carry out all the necessary formalities and approved the petitioner's service within a further period of six weeks from the date of communication of the said reasoned decision/order to the petitioner and the seventh respondent.

It is made clear that, this Court has not gone into the merits of the claims of the petitioner. The parties will be at liberty to urge whatever points available to them before the hearing authority.

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 being **WPA 8648 of 2022** stands disposed of.

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.)