

17 09.9.2022
Sc Ct. no.22

WPA 9246 OF 2022

Madhurima Chakraborty

Vs.

The State of West Bengal & Ors.

Mr. Ashis Kr. Chowdhury
Ms. Sabnam Sultana.

.... For the Petitioner

Mr. Raja Saha
Ms. Piyali Sengupta.

.... For the State

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

The petitioner claims to have been appointed since May 31, 2019 as a **Teaching-cum-Learning Assistant** (functionally equivalent to Guest Teacher) **at Acharya B. N. Seal College, Cooch Behar** (hereafter referred to as 'the College'). The petitioner seeks to avail all the benefits of one **Government Memo dated December 23, 2019** as mentioned in prayer "(a)" to the writ petition.

The petitioner claims her entitlement to get the Government approval as 'Guest Teacher' and/or 'Part-time Teacher'. The petitioner to that effect had submitted a representation dated March 30, 2022 at page 28 of the writ petition. The petitioner contends that the State authority has not decided the said representation and the case of the petitioner. Alleging such arbitrary and

wrongful act on the part of the State authority, this writ petition has been filed.

Mr. Raja Saha, learned senior Government advocate appearing for the State submits that the petitioner is not the Guest Lecturer as claimed by her. He submits that the petitioner is not even eligible to avail of any benefit in terms of the said ***Government Memo dated December 23, 2019***. He further submits that a similarly placed candidate of the College prayed for the same benefit, whose claim was rejected.

Learned State advocate further submits that the petitioner is receiving her salary not from the Government approved College fund and she receives her salary from a private trust.

Considering the rival contentions as submitted above on behalf of the appearing parties, and considering the pleadings and the reliefs made in the writ petition, this Court is of the considered view that, justice would be subserved if the said representation of the petitioner dated March 30, 2022, which has not yet received attention of the appropriate State authority, is directed to be disposed of in accordance with law after giving hearing to the petitioner and the relevant College authority, the respondent no. 4, with a reasoned order.

In view of the above, the respondent no.2 is directed to consider and dispose of the said representation of the petitioner dated March 30, 2022 at

page 28 of the writ petition after giving a prior hearing notice of at least seven days to the petitioner and the relevant College authority after giving an opportunity of hearing to both of them and then to pass his reasoned decision/order on the issue.

It is needless to mention that the College may be represented through its duly authorised representative.

The entire exercise as directed above, shall be carried out and completed by the respondent no.2 within a period of eight weeks from the date of communication of this order along with a copy of the said representation dated March 30, 2022, at page 28 of the writ petition to the respondent no.2.

The respondent no. 2 then shall communicate his reasoned order/decision to the petitioner and the authorised representative of the College authority within a further period of two weeks from the date of such reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner and all points are kept open to be urged before the respondent no.2 by the parties.

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 the writ petition, **WPA 9246 of 2022** stands disposed of.

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

(Aniruddha Roy, J.)