

WPA 9566 OF 2022

Brajamohan Debnath

Vs.

The State of West Bengal & Ors.

Mr. Pradip Mukherjee
Mr. Omar Faruk Gazi.

....For the Petitioner

Mr. Raja Saha
Mr. S. P. Lahiri.

....For the State

Mr. Prosenjit Mukherjee
Ms. Madhumita Sarkar.

....For the Madrasah
Service Commission

Mr. Nadeem Sulaiman
Ms. Sunita Guha.

....For the Madrasah
Board

Ms. Kakali Samajpati

....For the Respondent
No. 9

The writ petitioner claims to be a non-teaching staff appointed at Uttar Naoda Islamia Adarsha Junior High Madrasah, Uttar Dinajpur. The **Appointment Letter** was issued on January 4, 2010. The petitioner claims to have suffered eventually a termination of his employment as written in the writ petition.

Mr. Pradip Mukherjee, learned advocate appearing for the writ petitioner submits that seeking reinstatement to his employment, the petitioner submitted a representation dated May 13, 2022, **Annexure-P5** to the writ petition. The same has not yet received any attention of the State authority.

In view of the above, the respondent no.8 is directed to consider the said representation of the petitioner dated May 13, 2022, **Annexure-P5** to the writ petition upon giving a prior hearing notice of at least seven days to the petitioner and the respondent no.9 and after giving an opportunity of hearing to them shall decide the issue with its reasoned order/decision.

The entire exercise as directed above shall be carried out and completed by the respondent no.8 within a period of eight weeks from the date of communication of this order. The respondent no.8 shall communicate his reasoned order to the petitioner and the respondent no.9 within a further period of two weeks from the date of the said reasoned order to be passed.

In the event the reasoned order goes in favour of the writ petitioner then the respondent no.6 and/or other appropriate authority shall take all necessary steps and consequential steps to give effect to the said reasoned order/decision to be passed by the respondent no.8 positively within a period of six weeks from the date of the said reasoned order to be communicated to the respondent no.6 and/or the State authority by the petitioner.

It is made clear that this Court has not gone into the merits of the claim of the petitioner. All points are kept open before the writ petitioner to be urged before the respondent no.8 and the petitioner shall be at liberty to

rely upon whatever documents and/records he wishes to rely upon before the respondent no.8.

The respondent no.9 shall provide all its assistance to the respondent no.8 to complete the procedure as directed above.

This order shall not create any equity in favour of the petitioner if the petitioner is not 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 9566 of 2022** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)