

28 06.9.2022
Sc Ct. no.22

WPA 17238 OF 2022

Mohidul Islam Khan

Vs.

State of West Bengal & Ors.

Mr. Dilip Kumar Samanta
Mr. A. K. Paul
Mr. Biswapriya Samanta.

.... For the Petitioner

Sk. Md. Galib
Ms. Subhra Nag.

.... For the State

Mr. Nadeem Sulaiman

.... For the Madrasah
Board

The petitioner claims to have been appointed as a **Clerk at Saptagram Darul Ulum Senior Madrasah (Fazil)** by virtue of a **“Letter of Appointment”** dated October 28, 2016. The petitioner has been working as such.

The grievance of the petitioner is that he has not yet received any approval for the said post of his employment.

In view of the above, the petitioner has filed this writ petition claiming approval of his appointment for the post of his employment mentioned above.

Mr. Galib, learned counsel appearing for the respondent nos. 1, 3 and 6 submits that the petitioner is not entitled to get such an approval and for the necessary approval of the eligible candidates the State employer has already taken steps.

Be that as it may, considering the nature of grievance and the involvement of facts need to be ascertained to redress the grievance of the petitioner, this Court is of the considered view that justice would be subserved if the case of the petitioner is considered by the appropriate respondent authority first.

In that premises, the petitioner will be at liberty to make a comprehensive representation before the second respondent on or before September 13, 2022.

In the event such representation is made then the respondent no.2, through its President, shall consider such representation after giving a prior hearing notice of at least seven days to the petitioner and the respondent nos. 3, 4 and 6 and upon giving all of them an opportunity of hearing shall pass a reasoned decision/order on such representation of the petitioner, strictly in accordance with law.

The entire exercise as directed above, shall be carried out by the President within a period of six weeks from the date of receipt of such representation, if submitted by the petitioner. The President of the respondent no.2 then communicate his reasoned decision/order to the petitioner and the said respondent nos. 3, 4 and 6 within a further period of two weeks from the date of the said reasoned decision/order to be passed.

In the event the said reasoned decision/order goes in favour of the petitioner then the respondent no.2

and/or any other concerned respondents shall give effect to the said reasoned decision/order and take all consequential steps strictly in accordance with law as expeditiously as possible.

This Court has not gone into the merits of the claim of the writ petitioner in any manner. The parties concerned shall be at liberty to urge all the points before the President of the second respondent.

Since affidavits have not been 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 17238 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.)