

Court No. 22  
**06.9.2022**  
(Item No. 30)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 17296 of 2012**

Yadab Chandra Roy  
VS  
The State of West Bengal & Ors.

Mr. Kamal Mishra  
Mr. Abhijit Basu  
Mr. Subhadeep Maitra  
..... for the petitioner

Mr. Biswajit De  
Mr. Somnath Ghosh  
..... For the State

The petitioner after being selected in a selection process was recruited and appointed at the post of “Assistant Teacher” in “English” with effect from October 15, 2009 at Panchagram Fatedange High Madrasah, District Purulia. The recruitment of the petitioner was approved under the memo dated December 15, 2009 issued by the sixth respondent. Since then the petitioner had been performing his duties.

Pursuant to an advertisement for transfer, the petitioner having his requisite qualification in terms thereof applied to obtain transfer from the said institution to any Madrasah as preferred by the petitioner. The petitioner’s name was included in the final list of general transfer candidates and the name of the petitioner had featured as serial No. 151 in the list. The petitioner claimed that the name of the private respondent No. 9 had featured again serial No.

275 got the transfer to Senior Madrasah Islahul Momenin (Fazil) which is a Urdu medium Madrasah.

Aggrieved by such wrongful action on the part of the respondent authorities, the petitioner filed his representation dated May 22, 2022 before the respondent No. 3, **Annexure P-6 to the writ petition**. The said representation had not been decided and kept pending.

Despite notice all the respondents are not appearing today save and except Mr. Biswanath De, learned advocate appearing for the respondent No.1.

After considering the submissions made by the learned counsel for the appearing parties and upon perusal of the materials on record, it appears to this Court that, justice would be sub-served if the said representation dated May 22, 2022, **Annexure P-6 to the writ petition** is directed to be disposed of with a reasoned decision/order by the appropriate authority.

Since the Secretary of the respondent No. 3 had failed to consider the said representation for a considerable period of time, the respondent No. 4 is directed to consider and dispose of the said representation of the petitioner dated May 22, 2022, **Annexure P-6 to the writ petition** upon giving at least seven days prior hearing notice to the petitioner and respondent Nos. 6, 8 and 9 after giving them an opportunity of hearing, the fourth respondent shall

pass his reasoned order/decision on the representation of the petitioner.

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 communication of this order and then the respondent No. 4 shall communicate his reasoned decision/order to the petitioner and the said respondent Nos. 6, 8 and 9 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 order/decision goes in favour of the petitioner, the respondent No. 3 shall take all consequential steps to give effect to the said reasoned decision/order in favour of the petitioner as expeditiously as possible.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner. All points shall be kept open to the petitioner and the concerned parties during the hearing before the Fourth respondent.

Since affidavits have not been called for the claims in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 17296 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.

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**(Aniruddha Roy, J.)**