

Court No. 22
15.11.2022
(Item No. 8)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 17453 of 2022

Bablu Ali Khan
VS
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
..... for the petitioner
Mr. Balai Lal Sahoo
Mr. S. P. Roy
.....For respondent No. 5
Mr. Bibek Jyoti Basu
Mr. Uttam Kumar De
..... for the State

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

The petitioner claims to be an working Assistant Teacher in Life Science in (PG with BED) scale at present at the school of the respondent No. 5. He joined on December 11, 2021. Prior thereto he was at the school of the respondent No. 6.

Mr. Bibek Jyoti Basu, learned State counsel is present.

The petitioner wishes to pursue his Phd course. The petitioner submitted a representation in this regard dated July 22, 2022, **Annexure P-13** to the writ petition. Drawing attention to this Court Mr. Sudip Ghosh Chowdhury, learned advocate appearing for the petitioner at **pages 28, 32, 34, 35 and 36** of the writ petition submitted that the communication/objection to the claim of the petitioner had already been submitted by the respondent No. 5 and the same are pending before the

West Bengal Board of Secondary Education ultimately.

This Court is of the view that, the petitioner must know his fate with reasons as to his application.

In view of the above, the respondent No. 2 is directed to consider the case of the petitioner in the light of his said application dated July 22, 2022, **Annexure P-13** to the writ petition and also after considering of the other communications and documents attached to the writ petition. The respondent No. 2 shall give at least seven days prior hearing notice to the petitioner, respondent No. 4, respondent No. 5 and respondent No. 6 and after giving them opportunity of hearing shall decide the issue with its reasoned decision/order.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 2 positively within a period of eight weeks from the date of communication of this order and then the respondent No. 2 shall communicate his reasoned decision/order to the petitioner and all the parties mentioned above 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 petitioner then the consequential and necessary steps shall be taken in favour of the petitioner by all the relevant authorities to give effect to the said reasoned order positively within a further period of

four weeks from the date of communication of the said reasoned order to them.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner. All points are kept open for the petitioner to urge before the respondent No. 2. The petitioner will be at liberty to rely upon whatever documents and record it wishes to rely upon. Similarly the other parties also will be at liberty to rely upon whatever documents they wish to rely upon before the respondent no. 2 with their supporting materials.

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

It is further made clear that this order shall not create any equity in favour of the petitioner, in the event, the petitioner is otherwise is not eligible to receive the claim as made by him strictly in accordance with law.

On the above terms, this writ petition being **WPA 17453 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.)