

08 26.9.2022
Sc Ct. no.22

WPA 17654 OF 2022

Al Mahmud & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Sunit Kr. Roy

....For the Petitioners

Mr. Bhaskar Prasad Vaisya

Mr. Dipankar Dasgupta.

....For the State

Mr. Md. Yunus

....For the Respondent
No. 6

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

The petitioners are the assistant teachers at Kumarpur Parashmani Sikshabitan (H.S.), District – North 24-Parganas. The petitioners challenged the appointment of the private respondent no.6 as the Teacher-in-Charge, who is the present Teacher-in-Charge. The petitioners contend that the private respondent no.6 did not qualify the requisite criterion to become the Teacher-in-Charge of the school. The petitioners made representation dated July 26, 2022, **Annexure-P4** to the writ petition, before the respondents authorities.

The private respondent no.6 the present incumbent Teacher-in-Charge is represented through Md. Yunus Mondal, learned counsel.

Despite service of notice at the Office of the learned Government Pleader, none appears for the State.

Mr. Dipankar Dasgupta, learned counsel led by Mr. Bhaskar Prasad Vaisya, learned additional Government Pleader, who are present in Court are requested to appear in the matter and hold the brief. Their engagement in the matter is directed to be regularized forthwith.

Considering the submissions made on behalf of the appearing parties and considering the material-on-record, this Court thinks it fit that justice would be subserved if the representation dated July 26, 2022, **Annexure-P4** to the writ petition, which has not received attention of the State authorities, is directed to be considered by the respondent no.4 forthwith upon making a prior notice of hearing of at least seven days upon the petitioners and the respondent nos. 5 and 6 and after giving them an opportunity of hearing to them and then shall decide the issue mentioned in the said representation by passing a reasoned decision/order.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.4 positively within a period of eight weeks from the date of communication of this order.

The respondent no.4 then communicate its reasoned decision/order to the petitioner and the respondent nos. 5 and 6 within a further period of two

weeks from the date of the said reasoned decision/order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioners in any manner.

The writ petitioners and the respondent nos. 5 and 6 shall be at liberty to urge whatever point they wish to urge and shall further be at liberty to rely upon whatever documents and records they wish to rely upon during the hearing before the respondent no.4.

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

There are seven writ petitioners. Subject to payment *ad valorem* court fees, in accordance with law before the department, this order will be effected. Evidence of payment of the said court fees shall be produced before the respondent no.4 along with the communication of this order.

On the above terms this wri petition, **WPA 17654 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.)