

02-12-2022

Item No.6

Subrata

Bhattacharyya

IN THE HIGH COURT AT CALCUTTA

Constitutional writ Jurisdiction

Appellate Side

WPA No.19836 of 2017

Smt. Aparna Ghosh

-VS-

The State of West Bengal & Ors.

Mr. Arunava Banerjee

Ms. Mamata Dutta

...for the petitioner

Affidavit of service is taken on record. Despite service none represents the respondents to refute the case. Accordingly, the writ petition is taken up for hearing in absence of the respondents.

The petitioner in this writ petition states that she was appointed to the post of peon in 2005 at Bardhaman Regional Office of the Council, Radhanagar in died-in-harness category on the demise of her husband, Ashoke Ghosh who was working there as a lower division clerk since 1980. In 1990, her husband was promoted to the post of upper division clerk. But unfortunately he breathed his last on May 5, 2005.

It is alleged that though the petitioner at the time of appointment possessed the degree of Madhyamik Examination and presently she possesses the degree of Higher Secondary Examination, she, despite having the requisite qualification, was not appointed to the post of LDC. On the contrary, one Ananta Murmu, who is similarly circumstanced as that of the petitioner, was given appointment to the post of LDC in died-in-harness category. The petitioner complains that she has been discriminated. Narrating these facts, the petitioner made a representation to the authority concerned seeking justice, but to no effect.

Ultimately, by a letter dated March 9, 2017 the petitioner through her learned advocate requested the Secretary, West Bengal Council of Higher Secondary Education, the second respondent herein, to upgrade her post to the post of LDC, but in vain.

Learned counsel for the petitioner submits that the petitioner's representation should be considered and disposed of at the earliest.

Having heard learned counsel appearing for the petitioner and on consideration of the documents on record, especially the letter dated March 9, 2017, I think that the writ petition may be disposed of by directing the concerned authority to dispose of the petitioner's application by a reasoned order.

Accordingly, the second respondent, Secretary, West Bengal Council of Higher Secondary Education, is directed to consider and dispose of the petitioner's representation dated March 9, 2017 by a reasoned order, after giving an opportunity of hearing to the petitioner or her authorised representative, within a period of six weeks from the date of communication of this order. The order once made shall be communicated to the petitioner within one week thereafter.

With the aforesaid direction, WPA No.19836 of 2017 is disposed of. No order as to costs.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J]

