

Court No. 24
14.02.2022
(Item No. 40)
(AB)

W.P.A. 20429 of 2021
(via video conference)

Md. Kafiluddin
VS
The State of West Bengal & Ors.

Mr. Asim Banerjee
Ms. Mrinmoyee Roy
..... for the petitioner

Mr. Swapan Banerjee
Mr. Sougata Mitra
..... for the State

The petitioner is a Primary School Teacher. He made an application before the Chairman of the District Primary School Council, North 24 Parganas and the Sub-Inspector of Schools, in October, 2021 praying for counting his period of service on and from the year 2010.

The petitioner alleges that though he was given appointment on 22nd January, 2013, but he was selected for appointment in the year 2010. The said appointment was withheld due to some technical reasons. The petitioner seeks notional benefit from the period 2010 till the actual date of his joining in service.

The petitioner alleges that the representation made by him has not been considered by the respondent authority till date.

As it appears that the representation of the petitioner is pending consideration at the end of the respondent authority, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent No. 1 being the Secretary,

Department of Education and the respondent No. 5 being the Chairman, District Primary School Council, North 24-Parganas to take a decision with regard to the prayer of the petitioner strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. The said respondents shall pass a reasoned order and communicate the same to the petitioner immediately thereafter. If required, the respondents shall afford an opportunity of hearing to the petitioner.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of his representation along with all documents in support of his prayer for grant of national benefit to the aforesaid respondents at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)