

Court No. 22
20.9.2022
(Item No. 68)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 19713 of 2022

Abdur Raquibe
VS
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Sk. Nayeemul Haque
..... for the petitioner
Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
..... for the State

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

The writ petitioner claims to be an **Assistant Teacher** presently called **Samrasarak** at **Jamia Islamia Madhyamik Shiksha Kendra, District Birbhum (for short, the Madrasah)**. The petitioner claims for approval at the post of **Samprasarak**.

On April 12, 2011, **Annexure P-5** to the writ petition the Madrasah sent its recommendation before the appropriate authority for approval, *inter alia*, the petitioner.

On November 13, 2017 the Madrasah made a proposal before the respondent No. 2 for approval of the petitioner. The petitioner claims that, since then the said representation had not received any consideration.

Mr. Biswabrata Basu Mallik, learned State counsel appears in the matter.

In view of the above, this Court is of the opinion that, justice would be sub-served if the recommendation of the Madrasah dated November 13, 2017, **Annexure P-12** to the writ petition is directed to be considered by the respondent No. 2 upon giving a prior hearing notice of at least seven days to the petitioner and the respondent No. 4 and giving an opportunity of hearing to them shall pass its reasoned decision/order on the issue.

It is needless to mention that the respondent No. 4 may be represented through its authorized representative.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 2 within a period of eight weeks from the date of communication of this order after giving an opportunity of hearing to the petitioner and the respondent No. 4 and then shall pass a reasoned order on the issue. The reasoned decision/order so to be passed shall be communicated by the respondent No. 2 to the writ petitioner and the respondent No. 4 within a further period of two weeks from the date of the reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, then all necessary steps and formalities to be carried out by the respondent Nos. 2, 3 and 4 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 this writ petition. All points are kept open for the parties to urge before the respondent No. 2. The parties will be at liberty to rely upon whatever documents and record it wishes to rely upon.

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

On the above terms, this writ petition being **WPA 19713 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.)