

13 28.9.2022
Sc Ct. no.22

WPA 21481 OF 2022

Subhas Mandal

Vs.

The State of West Bengal & Ors.

Mr. Subir Sanyal
Ms. Sumouli Sarkar
Mr. Sagnik Roy Chowdhury.

....For the Petitioner

Mr. Swapan Kr. Datta
Mr. Rajat Dutta.

....For the State

Mr. Sakti Pada Jana
Mr. Subhajyoti Das.

....For the Respondents/
College authority

The petitioner is a Scheduled Caste candidate and is working as an **approved and confirmed Clerk** at **Shyampur Siddheswary Mahavidyalaya, District – Howrah** (hereafter ‘the College’). He sought to be elevated at the post of Accountant/Cashier of the College. He had applied for the same before the relevant College authority.

By a communication dated December 21, 2021 the petitioner in writing applied before the College authority for promotion to the post of Accountant of the College or the Cashier of the College, the applications are made part of **Annexure-P10** to the writ petition, at page 54 and 55 thereof. In the resolution the Governing Body of the College dated March 29, 2022, **Annexure-P11** to the writ

petition, decided after careful consideration of the case of the petitioner to withhold his promotion for the time being. The petitioner submits that the issue is pending before the College authority since December, 2021 and thereafter by virtue of the said resolution since March 2022.

Mr. Sakti Pada Jana, learned counsel appears for the respondent nos. 4, 5 and 6, the College authorities. He submitted that the Governing Body of the College is in existence and the tenure shall expire on December 31, 2022.

Considering the issue involved in this writ petition, this Court is of the firm opinion that justice would be subserved if the Governing Body of the College is directed to decide the issue raised by the petitioner through its said representations both dated December 21, 2021 at page 54 and 55 respectively of the writ petition.

The Governing Body of the College shall give a prior notice of at least seven days to the petitioner and then after giving an opportunity of hearing to the petitioner shall decide the issue with its reasoned order strictly in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the Governing Body of the relevant College within a period of seven weeks from the date of communication of this order. The Governing Body of the College then shall communicate this reasoned

decision/order to the petitioner within a further period of one week from the date of the said reasoned decision/order to be passed.

It is, however, made clear that the Governing Body shall conclude the issue by arriving at a reasonable conclusion thereupon strictly in terms of the direction made above in view of the fact that its tenure shall expire on December 31, 2022.

In the event the reasoned decision/order goes in favour of the petitioner, the Governing Body of the College shall take all consequential steps in accordance with law and shall give necessary appointment to the petitioner within a further period of two weeks from the date of communication of the said reasoned decision/order to the petitioner.

It is made clear that this Court has not gone into merits of the claim of the writ petitioner in any manner. The writ petitioner shall be at liberty to urge all points before the Governing Body of the College and shall be at liberty to rely upon whatever document and records she wishes to rely upon.

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

On the above terms the writ petition WPA 21481 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.)