

21 10.11.2022
Sc Ct. no.22

WPA 21949 OF 2022

Dr. Sanjib Kumar Kar

Vs.

State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Mousumi Hazra.

.... For the Petitioner

Mr. Siddhartha Sankar Mandal
Ms. Arunita Das Sharma.

.... For the Respondent
No. 4/Principal

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

The **petitioner was appointed as a Lecturer in Physics at Prabhu Jagatbandhu College, District - Howrah.** The grievance of the petitioner is that the petitioner had gone to pursue his Post Doctoral research and applied for leave. The petitioner at present is not receiving his salary since August, 2018. Repeated representations made. No heed was paid thereto by the respondent no.4.

After considering the submissions made on behalf of the petitioner and after considering the materials on record, the petitioner is granted liberty to make a consolidated and comprehensive representation before the respondent no.4 within a period of three weeks from date.

In the event such consolidated and comprehensive representation is made by the petitioner, the respondent no.4 shall serve a prior hearing notice of at least seven days to the petitioner and after giving him an opportunity of hearing, shall decide the representation and the issue with his reasoned order/decision.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.4 positively within a period of four weeks from the date of receiving the consolidated and comprehensive representation from the petitioner.

The respondent no.4 then shall communicate his reasoned order/decision to the petitioner within a further period of one week from the date of the reasoned order/decision to be passed.

In the event the reasoned order/decision goes in favour of the petitioner, the respondent no.4 shall forthwith take all consequential steps on the issue positively within a further period of four weeks from the date of the said reasoned order/decision to be passed.

It is made clear that this Court has not gone into the merits of this writ petition.

The petitioner will be at liberty to urge whatever points he wishes to urge before the respondent no.4. and he shall rely upon whatever documents and records he wishes to rely upon.

Since no affidavits are called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is further made clear that this order shall not create any equity in favour of the petitioner if he is not eligible to his claim strictly in accordance with law.

The respondent no.4 shall arrive at his reasoned order/decision strictly in accordance with law.

On the above terms this writ petition, **WPA 21949 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.)