

14 29.9.2022
Sc Ct. no.22

WPA 22284 OF 2022

West Bengal M.S.K. Staff Welfare
Association and Ors.

Vs.

State of West Bengal & Ors.

Mr. Shamim ul Bari
Mr. Md. Hadiur Rahaman
Ms. Molly saha.

..... For the Petitioners

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal.

..... For the State

Mr. Nadeem Sulailman
Mr. Maroof Zahedi.

....For the Respondent
Nos.4 & 5

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

The first petitioner is an Association of
Samprasaraks who were working at under different
Madrasah Siksha Kendras. The second petitioner is the
office bearer of the said association. The petitioners
espouse the cause of its Samprasarak members who are
working at various Madrasah Siksha Kendras. The claim
of the petitioners is that the Samprasarak members of the
first petitioner are entitled to receive certain service
benefits alike the regular teachers.

Upon hearing submissions made on behalf of the
appearing parties and on perusal of the materials on
record it appears to this Court that several fact finding

inquiry to ascertain the eligibility of the Samprasarakhs are required to be gone into to come to a conclusive decision on the issue raised by the petitioners on behalf of the Samprasarakhs.

In view of the above, this Court is of the firm view that justice would be subserved if the respondent no.2 is directed to consider the representation made through the Association through its advocate dated November 28, 2017 at page 22 of the writ petition and the representation dated March 13, 2018 at page 31 of the writ petition upon giving a prior hearing notice of at least seven days to the petitioners and the respondent no.4 and after giving them an opportunity of hearing shall decide the issue with a reasoned order.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.2 and/or its competent and authorised officer as directed above within a period of eight weeks from the date of communication of this order.

The respondent no.2 then shall communicate the reasoned order to the petitioner, respondent no.4 within a further period of two weeks from the date of the said reasoned order to be passed.

In the event the Samprasarak members of the first petitioner succeed before the respondent no.2 then the consequential steps to be taken by the respondent no.2 to give effect to the said reasoned order and to extend all the

benefits thereunder to the Samprasarakhs for whom the cause is being espoused by the petitioners within a further period of eight weeks from the date of the said reasoned order.

However, the respondent no.2 shall pass a reasoned order strictly in accordance with law and strictly in terms of the relevant rules and regulations applicable for the petitioners.

It is made clear that this Court has not gone into merits of the claim of the petitioners. All points are kept open to the writ petitioners to be urged before the respondent no.2. The petitioners will be at liberty to urge all points relying upon whatever documents and records they wish to rely upon at the time of hearing before the respondent no.2.

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 the writ petition, **WPA 22284 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.)