

Court No. 22
28.9.2022
(Item No. 21)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 22421 of 2022

Abul Hasan
VS
The State of West Bengal & Ors.

Mr. Prahlad Chandra Ghosh
Mr. Swapan Kumar Chatterjee
..... for the petitioner
Mr. Suman Dey
..... for respondent Nos. 1, 2 & 3
Ms. Sudipa Roy
Mr. Saibal Acharyya
.... For respondent Nos. 4 & 5

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

The writ petitioner claims that, he had been working since 2006 as a **Group “D”** staff at **Turigram Haripada High School (H.S.), District – Birbhum.** he has sought for a transfer for the same employment from the relevant State authority. On January 10, 2022, **Annexure P-7** to the writ petition, the petitioner submitted a representation before the respondent No. 3 but the same had not received any attention.

Ms. Sudipa Roy, learned counsel appears for the respondent Nos. 4 and 5 and submitted that, since the petitioner had been working since 2006, his case may be considered by the proper authority more so in view of the fact that, one post in the Group “D” category is lying vacant.

Mr. Suman Dey, learned advocate for the State is also present.

Considering the case of the petitioner and considering the submissions made on behalf of the appearing parties, it appears to this Court that, justice would be sub-served if the representation of the petitioner dated January 10, 2022, **Annexure P-7** to the writ petition is directed to be considered by the respondent No. 3 upon giving a prior notice of hearing of at least seven days to the petitioner and the respondent Nos. 4 and 5 and after giving them an opportunity of hearing to decide the issue with a reasoned order/decision.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of eight weeks from the date of communication of this order. The respondent No. 3 then shall communicate his reasoned decision/order to the petitioner and the respondent Nos. 4 and 5 within a further period of two weeks from the date of the said reasoned order/decision to be passed.

In the event, the reasoned order goes in favour of the petitioner, then the respondent No. 3 shall forthwith issue the necessary approval positively within a further period of four weeks from the date of the said reasoned order to be passed and shall communicate the said approval to the respondent Nos. 4 and 5 simultaneously.

It is made clear that, this Court has not gone into the merit of claim of the writ petitioner in any

manner. The parties while attending the hearing before the respondent No. 3 shall be at liberty to whatever points available to them and shall be at liberty to relies whatever records and documents they wish 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 22421 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.)