

Court No. 22
13.12.2022
(Item No. 63)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25919 of 2022

Md. Shahidul Islam
VS
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Sk. Nayeemul Haque
..... for the petitioner
Mr. Sk. Md. Galib
Ms. Subhra Nag
.....For the State

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

The petitioner seeks approval for the post of **Samprasarak** and he is presently working at **Maqsad Ali Institute Girls' Junior High Madrasah Shiksha Kendra, District – South 24 Parganas**. The last representation made by the relevant Madrasah in support of the petitioner's case was dated October 21, 2022 pending before the respondent No. 4, **Annexure P-7** to the writ petition.

Ms. Subhra Nag, learned advocate led by Sk. Md. Galib, learned advocate appears for respondent Nos. 1 to 4.

Considering the submissions made on behalf of the parties and considering the case in the writ petition and also considering the materials on record, to sub-serve justice respondent No. 4 is directed to consider the representation of the relevant Madrasah dated October 21, 2022, **Annexure P-7** to the writ

petition after giving at least seven days prior hearing notice to the petitioner and the respondent No. 6 and then after giving them an opportunity of hearing shall decide the issue on the same representation with a 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 six weeks from the date of communication of this order and then the respondent No. 4 shall communicate its reasoned decision/order to the petitioner and the respondent No. 6 within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner. The petitioner shall be at liberty to urge whatever points he wishes to urge and will be at liberty to rely upon whatever records and documents he wishes to rely upon before the respondent No. 4. The respondent No. 6 shall co-operate with the respondent No. 4 in every respect and if necessary, shall produce all relevant records to respondent No. 4.

Since affidavits are not 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 in

the event, the petitioner is not eligible to sustain his claim strictly in accordance with law.

On the above terms, this writ petition being **WPA 25919 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.)