

Court No. 22
20.12.2022
(Item No. 54)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 26070 of 2022

Sk. Atiar Rahaman
VS
The State of West Bengal & Ors.

Md. Sarwar Jahan
Sk. Nayeemul Haque
..... for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha
.....For the State

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

Despite notice none appears for the respondents, nor any accommodation has been sought for.

Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader is present in Court. He is requested to appear in this matter. His appearance is directed to be regularized forthwith by the office of the learned Government Pleader. A copy of the writ petition has already been supplied to Mr. Vaisya, learned State advocate.

The petitioner at present is an Assistant Samprasarak at Rahamatullah Madrasah Shiksha Kendra, District – 24 Parganas (South). The petitioner claimed an approval of the relevant State authority as Samprasarak since he is working as such at the relevant Madrasah from 2000.

Mr. Sarwar Jahan, learned advocate for the petitioner drew attention of this Court to a communication dated December 23, 2019, **Annexure P-6** to the writ petition and submitted that the relevant Madrasah had already sent its proposal before the respondent No. 3. However the same had not yet received any attention of the relevant State authority.

Considering the submissions recorded above and on perusal of materials on record, to sub-serve justice, the respondent No. 3 is directed to take a decision on the issue mentioned in the said communication of the relevant Madrasah dated December 23, 2019, **Annexure P-6** to the writ petition after issuing at least seven days prior hearing notice to the petitioner and respondent No. 6, and then after giving them an opportunity of hearing shall come to a reasonable conclusion with a reasoned order/decision on the issue strictly in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of six weeks from the date of communication of this order and then the respondent No. 3 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.

In the event, the reasoned order goes in favour of the petitioner then respondent No. 3 and the relevant Madrasah authority shall take all necessary and consequential steps positively within a further period of six weeks from the date of communication of the said reasoned order to the respondent No. 6.

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 and respondent No. 6 shall be at liberty to urge whatever points they wish to urge and will be at liberty to rely upon whatever records and documents they wish to rely upon before the respondent No. 3.

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 or right in favour of the petitioner, if the petitioner is not otherwise eligible to receive his claim strictly in accordance with law.

On the above terms, this writ petition being **WPA 26070 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.)