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07.02.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 11619 of 2020
(Via Video Conference)**

**Syed Hasibul Islam
-versus
The State of West Bengal & Ors.**

**Mr. Himadri Barua,
Mr. Abdur Rakib,
Mr. Somnath Adhikary.
...For the Petitioner.**

**Mr. Md. Sarwar Jahan,
Mr. Sk. Nayeemul Hoque.
...For the Respondent No.5.**

**Mr. Tapan Mukherjee,
Mr. N. Ghosh Dastidar.
...For the State.**

The petitioner is aggrieved by the inaction on the part of the Commissioner of School Education in taking step in response to the communication sent by the Chairman, Murshidabad District Primary School Council vide Memo No. 263/2 dated 25th April, 2013.

By the said memo, the Chairman of the Council forwarded the representation of the petitioner along with all relevant documents for ascertaining the equivalence of the Primary Teachers' Training Certificate issued in favour of the petitioner by the Bihar Vidyalaya Pariksha Samity, Bihar in 1990-92 with the Primary Teachers' Training Certificate issued by the Department of Education, State of West Bengal.

The Chairman, Murshidabad District Primary School Council was uncertain whether the certificate issued by the State of Bihar in favour of the petitioner was valid for appointing the petitioner as primary teacher in the State of West Bengal.

It appears that since 2013 no steps have been taken by the Commissioner to decide the issue.

The petitioner prays for a direction upon the Commissioner for taking a decision in the matter.

The learned advocate appearing for the State respondents is unaware as to whether any decision was taken by the Commissioner till date or not.

There is nothing on record to show that the Commissioner did take a decision upon consideration of the communication of the Chairman, Murshidabad District Primary School Council.

In view of the above, the instant writ petition is disposed of by directing the respondent No. 3 being the Commissioner of School Education, Government of West Bengal to take a decision with regard to the equivalence and validity of the certificate relied upon by the petitioner, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The petitioner is directed to forward a copy of the certificate relied upon by him and the memo dated 25th

April, 2013 passed by the Chairman, Murshidabad District Primary School Council as well as the order passed by this Court in the earlier writ petition filed by him at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)