

28.04.2023
rc/ct.no.10
Item No.139

WPA No. 1576 of 2023
Md. Nasiruddin Khan
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Mukherjee
Mr. Bibek Dey
Mr. Mrinmoy Nandi
Mr. Syed N. Ahmedfor the petitioner

Mr. Kartik Chandra Kapasfor the State

Affidavit of service filed by the petitioner is taken on record.

The Teacher-in-Charge of **Diamond Harbour High Madrasah, District – South 24-Parganas** is impleaded as party respondent in this writ petition. Necessary impleadment be done by the Advocate-on-Record for the petitioner in the original writ petition by putting his signature. A copy of this writ petition along with a copy of this order shall be served on the present madrasah authority forthwith.

The petitioner claimed to be an Assistant Teacher. He was an Assistant Teacher at **Bartala Ainul Uloom Senior Mdrasah, Kolkata** and then at present after transfer she is working at **Diamond Harbour High Madrasah, District – South 24-Parganas**.

The petitioner claimed post graduate scale after enhancement of his qualification. The petitioner made representation dated **November 13, 2013, Annexure P/8 at page 28 to this writ petition** before the respondent no.

4 which had not received the attention thereof. The previous madarash also supported the contention of the petitioner by its letter dated **August 01, 2019, Annexure P/9 at page 29 to the writ petition** addressed to the respondent no.4.

Mr. Kartick Chandra Kapas, learned counsel appeared for the respondent nos. 1 and 4. None appeared for the rest of the respondents.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, to subserve the justice, the respondent no. 4 is directed to consider the representation of the petitioner dated **November 13, 2013, Annexure P/8 at page 28 to this writ petition** in the light of the communication of the previous madrasah dated **August 01, 2019, Annexure P/9 at page 29 to the writ petition** upon giving at least 7 days prior hearing notice to the petitioner and the previous madarash i.e. through Secretary of the Managing Committee of **Bartala Ainul Uloom Senior Mdrasah, Kolkata** and the present madrasah i.e. **Diamond Harbour High Madrasah** and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no. 4 positively within a period of 6 weeks from the date of communication of this order without granting any

unnecessary adjournment. The respondent no. 4 shall then communicate his reasoned order to the petitioner and the previous madarash authority within a further period of 2 weeks from the date of the said reasoned order be passed.

In the event the reasoned order goes in favour of the petitioner then the respondent no 4 shall forward the copy of the reasoned order to the respondent no. 3 forthwith.

The respondent no. 4 and all concerned shall take all necessary and consequential steps to give effect to the reasoned order positively within a period of 4 weeks from the date of communication of the reasoned order to them by the petitioner.

Upon proof of evidence of service upon the newly added respondent, the respondent no. 4 shall take steps as directed hereinabove.

Since affidavits are not called for, the allegations in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner of the petitioner and all the relevant parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and record they shall wish to rely upon before respondent no. 4.

It is further made clear that this order shall not create any equity or right in favour of the petitioner in the

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

On the above terms this writ petition being **WPA No. 1576 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy,J)