

WPA 1728 OF 2023

Md. Bodiuzzaman

Vs.

The State of West Bengal & Ors.

Ms. Ipsita Ghosh

....For the Petitioner

Mr. Bibek Jyoti Basu

Ms. Kalpita Paul.

....For the State/
respondent nos. 1 to 3

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

The petitioner claims to have been approved as ***Mukhya Shiksha Samprasarak-in-Charge*** at the relevant madrasah viz. ***Hazarpur Junior High Madrasah, District- Birbhum***. The petitioner claims benefit with effect from ***February 1, 2011***. The petitioner in this regard refers to a document, issued by the respondent no.4, dated ***December 17, 2013***, ***Annexure-P5 at page 24*** to the writ petition.

Ms. Ipsita Ghosh, learned advocate appearing for the petitioner referring to ***Annexure-P6 at page 26*** to the writ petition submits that, despite there being representations dated ***February 10, 2014 and February 21, 2014***, the same had not yet received attention of the State authority.

Mr. Bibek Jyoti Basu, learned advocate appears for the respondent nos. 1 to 3.

None appears for the rest of the respondents.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record to subserve justice, the respondent no.2 is directed to consider both the representations of the petitioners being ***Anneure-P6 at page 25*** and ***Annexure-P7 at page 26*** respectively to the writ petition after issuing a prior hearing notice of at least ***seven days*** to the petitioner and the relevant madrasah authority as named above and after giving them an opportunity of hearing shall pass a reasoned order in accordance with law.

While considering the issue, the respondent no.2 shall also take into account the recommendation dated ***December 17, 2013, Annexure-P5 at page 24*** to the writ petition.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.2 positively within a period of ***six weeks*** from the date of communication of this order. The respondent no.2 then shall communicate the reasoned order to the petitioner and the relevant madrasah authority positively within a ***further*** period of ***two weeks*** from the date of the reasoned order to be passed.

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

and the petitioner and the relevant madrasah authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no.2 ***but the same shall not travel beyond the scope of the said two representations dated February 10, 2014 and February 21, 2014.***

In the event the reasoned order goes in favour of the petitioner, the respondent no.2 and the relevant madrasah authority and/or any other or further authority shall give effect thereto strictly in accordance with law positively within a period of ***two weeks*** from the date of communication of the reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner in the event the petitioner is not eligible to receive his claim strictly in accordance with law.

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

On the above terms, this writ petition, ***WPA 1728 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.)