

40 14.6.2023
Sc Ct. no.22

WPA 1745 OF 2020

Shyamal Kumar Biswas & Ors.

Vs.

The State of West Bengal & Ors.

Md. Sarwar Jahan
Mr. Sujan Das
Mr. Shahzad Noor Thander.

....For the Petitioners

Ms. Koyeli Bhattacharya

....For the West Bengal
Board of Secondary
Education

The grievance of the petitioners is that, despite compliance of all formalities as required in law, the name of the grandfather of the petitioners though was incorporated at the name of the relevant school, but was subsequently withdrawn.

Drawing attention to **Annexure-P13 at page 124** to the writ petition, Mr. Sarwar Jahan, learned counsel submitted that, the petitioners made a representation dated **September 2, 2019** before the respondent no.4 and the same had not yet received any attention.

Ms. Koyeli Bhattacharya, learned counsel appeared for the respondent nos. 3 and 4.

Considering the submissions made on behalf of the parties and considering the materials on record, to subserve justice, the President of the respondent no.3 being the highest authority, is directed to consider the representation of the petitioners dated **September 2,**

2019, Annexure-P13 at page 124 to the writ petition upon giving a prior seven days' hearing notice to the petitioners and the respondent no.8 and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners in any manner and the petitioners and the respondent no.8 shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the said President.

The entire exercise shall be carried out and completed by the President of the respondent no.3 positively within a period of eight weeks from the date of communication of this order.

It is further made clear that, this order shall not create any equity or right in favour of the petitioners in any manner if the petitioners' claim is found to be not maintainable in accordance with law.

In the event the reasoned decision goes in favour of the petitioners then the respondent no.3 shall do the needful and take all consequential steps in accordance with law but positively within a further period of four weeks from the date of communication of the said reasoned order to be passed.

The reasoned order shall be communicated to the petitioners and the respondent no.8 within a period of two

weeks from the date of the said reasoned order to be passed.

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

On the above terms this writ petition, **WPA 1745 of 2020** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)