

08 25.9.2023
Sc Ct. no.22

WPA 561 OF 2015

Kalyan Chakrabarty

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sk. Imtiaz Uddin
Ms. Tanuja Basak.

... For the Petitioner

The petitioner at present claimed to have been working at **Anne Sullivan School for the Mentally handicapped, District – Hooghly** as a **Craft Instructor** as informed by Mr. Sk. Imtiaz Uddin, learned advocate led by Mr. Ekramul Bari, learned counsel. The **Appointment Letter and the Approval Letter** are appearing at **pages 18 and 22** respectively to the writ petition.

Referring to the **representation of the petitioner dated December 8, 2009** at **page 28** to the writ petition, learned counsel for the petitioner submits that, the said representation though was submitted before the respondent no.2, but the same has not yet received any attention of the State authority.

None appears for the respondents.

Considering both the pendency of the said representation and this writ petition and considering the

issue involved in the writ petition, this Court is of the view that, no fruitful purpose shall be served by keeping this writ petition pending any further.

To subserve justice, the respondent no.2 is directed upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent no.4, and after giving them an opportunity of hearing shall decide the representation 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.2 **positively** within a period of **six weeks** from the date of communication of this order and the respondent no.2 then shall communicate this reasoned order to the petitioner and the respondent no.4 **positively** within a further period of **two weeks** from the date of the said 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 respondent no.4 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 representation dated December 8, 2009, Annexure-P6 at page 28 to the writ petition.**

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

In the event, the said decision goes in favour of the petitioner, the ***respondent no.2*** shall take all necessary and consequential steps forthwith to give effect thereto.

The petitioner while serving a copy of today's order ***shall also serve a copy of the previous order*** passed in the writ petition ***dated January 29, 2015*** upon the respondent nos.2 and 4.

On the above terms, this writ petition, ***WPA 561 of 2015*** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)