

25.09.2023
Item No. ML. 176
Crt.No.22
b.r.

WPA 2067 of 2020

Sk. Abu Naser
-vs-
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Mousumi Hazra
Ms. Payel Shome
Ms. Sampriti Saha
Mr. Avijit Kar

...for the petitioner.

Affidavit of service filed in Court today be retained with the record.

The petitioner claimed to be a **Craft Instructor**, presently working at a institution under the name and style of **SATHI**. The approval letter for the petitioner issued by the **respondent no.5** on **May 2, 2007** is available at **annexure p-4 at page 25** to the writ petition. The necessary executive order in this regard confirming such approval in favour of the petitioner is appearing **at page-25** onwards to the writ petition. The petitioner claims that the petitioner is eligible to receive the **Training Incremental Benefit** since the date of his approval in terms of the said executive **order dated April 4, 2007 at page-26** to the writ petition.

Mr. Firdous Samim, learned advocate appearing for the petitioner referring to **annexure p-6 at page 34** to the writ petition submits that by a communication

dated **March 11, 2010**, the said institution has already forwarded its request before the **respondent no.3** in support of the petitioner so that the benefit could be granted to the petitioner. Learned counsel submits that since 2010, the issue has not been addressed and is pending before the respondent no.3.

None appears for the respondents.

Considering the issue involved in this writ petition and upon perusal of the materials on record to subserve justice, the **respondent no.3** is directed to decide issue on the basis of the communication of the institution dated **March 11, 2010 annexure p-6 at page-34** to the writ petition by passing a reasoned order. The respondent no.3 shall issue a prior hearing notice of at least 7 days to the petitioner and the respondent no.5 through its appropriate authority and after hearing them shall pass its reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner. The petitioner and the respondent no.5 shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon during the hearing before the respondent no.5.

The respondent no.3 shall carry out and complete the entire exercise as directed above positively within a period of six weeks from the date of communication of this order and the respondent no.3 then shall communicate its reasoned order to the petitioner and the respondent no. 5 through its appropriate authority within a further period of two weeks from the date of reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, the respondent no.3 shall take all necessary and consequential steps to give effect thereto positively within a period of three weeks from the date of communication of this reasoned order to the petitioner and the respondent no.5 and the respondent no.5 shall render all its co-operation in this regard.

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

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 2067 of 2020 stands disposed of**, without any order as to costs.

Parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)