

WPA 4581 OF 2018

Sr Anima Prakash Baa

Vs.

State of West Bengal & Ors.

Mr. Kalyan Kumar Chakraborty
Mr. Kashinath Bhattacharya
Mr. Ashok Halder.

....For the Petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee.

....For the State

The previous order speaks for itself.

Today, the writ petition appears under the heading
“For Dismissal”.

Mr. Bhaskar Prasad Vaisya, learned Additional
Government Pleader appears for the respondent nos. 1, 2
and 4.

The rest of the respondents are not represented.

This is a writ petition the cause of action in which
falls **presently** within the jurisdiction of the **Circuit
Bench at Jalpaiguri**. However, this is a writ petition of
2018 and the Circuit Bench has commenced its operation
since 2019. By virtue of a notification issued on the
administrative side, the Principal Bench can take up the
matters which were pending prior to commencement of
the Circuit Bench. Hence, this writ petition is taken up
for consideration.

The counsel appearing for the parties have agreed to proceed with the writ petition since an innocuous prayer has been asked for.

Referring to **Annexure-P4 at page 29** to the writ petition being a representation of the petitioner dated **December 30, 2017**, submitted before the respondent no.7, learned counsel for the petitioner prays for consideration of the same as the same has not yet received any attention of the respondent no.7.

In view of the above submission made on behalf of the petitioner, the respondent no.7 is directed to consider the representation of the petitioner dated **December 30, 2017, Annexure-P4 at page 29** to the writ petition upon issuing a prior hearing notice of at least seven days to the petitioner and after affording her an opportunity of hearing shall dispose of 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.7 positively within a period of **six weeks** from the date of communication of this order. The respondent no.7 then shall communicate the reasoned order to the petitioner and the respondent no.4 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 shall be at liberty to urge whatever points she wishes to urge by relying upon whatever records and documents she wishes to rely upon before the respondent no.7 ***but the case of the petitioner shall not travel beyond the scope of the said representation dated December 30, 2017.***

In the event the reasoned order goes in favour of the petitioner, the school authorities, respondent no.4 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 her claim strictly in accordance with law.

On the above terms, this writ petition, ***WPA 4581 of 2018*** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)