

08.09.2023
DL-02
(Sanjay)
Ct.no.11

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3577 of 2014

Budhadev Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Mohan Kumar Sanyal,
Mr. Dwaipayan Sanyal,
Mr. Arunesh pathak ...for the petitioner.

Mr. Sk. Md. Galib,
Mr. Gourav Das ... for the State.

CAN 1 of 2023 (Recalling Application)

This is an application for recalling of the order dated 4th August, 2023 by which the writ petition was dismissed for default.

Having heard the learned counsel for the parties and upon perusal of the contents of paragraph 4 and 5 of the application, I am satisfied that sufficient cause has been shown for not attending the Court on that day when the matter stood dismissed for default.

Hence, the application being I.A. No.CAN 1 of 2023 is allowed. The order dated 04.08.2023 is recalled. The writ petition is restored to its original file and number.

WPA 3577 of 2014

The present writ petition has been preferred praying for a direction upon the concerned respondents to approve the appointment of the petitioner as an Assistant Teacher (Bio Science) of the Gorara Hazi Samsuddin Junion Girls' High Madrasah, which was subsequently renamed as the Gorara Hazi Samsuddin Madrasah Siksha Kendra (hereinafter referred to as the Madrasah).

The facts as unfolded in the writ petition are that the petitioner graduated in Bio-Science from Kalyani University in 2006 and he belongs to the Other Backward Class community.

The Madrasah was established on 1st January, 1990 by the local people of the area for imparting education to the poor students of backward community. In terms of the appointment letter dated 10th June, 2009, the petitioner joined as an Assistant Teacher in Bio-Science in the Madrasah on 12th January, 2009. Since the date of joining, the petitioner has been rendering his service without any blemish but his appointment has not been approved as yet. The petitioner prayed for approval of his appointment by making representations to the

concerned authority on numerous occasions but despite receipt of such representations, the authority concerned maintains deceptive silence and hence, the writ petitioner has been constrained to prefer this writ petition.

Mr. Sanyal, learned counsel appearing for the petitioner, submits that necessary directions may be given to the concerned authority to approve the appointment of the petitioner.

Mr. Galib, learned counsel appearing for the State submits that the matter may be relegated to the concerned authority to consider and dispose of the petitioner's representation by passing a reasoned order.

Having heard the learned counsels for the respective parties and upon consideration of the materials on record, the writ petition is disposed of by directing the respondent no.3 being the Director of Madrasah Education, Government of West Bengal to consider the representation of the petitioner after affording an opportunity of hearing to the petitioner and the authority of Madrasah Siksha Kendra.

It is clarified that if the representation is decided in favour of the petitioner, then the respondent no.3 shall take next follow up action but if the decision is taken against the petitioner, the authority concerned

shall pass a reasoned order and such order must be communicated to the petitioner. Such exercise must be completed within a period of eight weeks from the date of receipt of a copy of this order.

It is further clarified that I have not gone into the merits of the claim of the petitioner.

With these observations, the writ petition is disposed of. However, there shall be no order as to costs.

Urgent photostat certified copy of this judgment and order, if applied for, be given to the parties on fulfilling necessary formalities.

(Partha Sarathi Chatterjee, J.)