

28.04.2023
rc/ct.no.22
Item No.176

WPA No. 6200 of 2023
Sukla De
Versus
State of West Bengal & Ors.

Mr. Biswarup Biswasfor the petitioner

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
...for the Madrasah Service Commission

Affidavit of service filed by the petitioner is taken on record.

The petitioner sought for a transfer from the Madrasah at present she is working as an **Assistant Teacher**. The petitioner preferred an option for **Bogdhara Siddikiya High Madrasah (H.S.) Bankura**. This was the only option preferred by the petitioner as, it appears from page 30 of the writ petition.

Mr. Biswarup Biswas, learned counsel appearing on behalf of the petitioner submitted that, his client had submitted a representation dated **January 25, 2023 Annexure P/12 at page 45 to the writ petition** but the same had not received the attention of the respondent no. 5. It was also submitted on behalf of the petitioner that the petitioner's name had featured in the panel at Annexure P/11 at pages 39-42 to the writ petition against serial no. 34.

Mr. Prosenjit Mukherjee, learned counsel appearing for the respondent nos. 4 and 5 submitted that the appropriate authority is the respondent no. 4 who can

consider this representation of the petitioner dated January 25, 2023.

Mr. Prosenjit Mukherjee, learned counsel appearing for the respondent nos. 4 and 5 submitted that, the document at pages 39-42 to the writ petition is not the panel but a list of eligible candidates for exercising option.

After considering the rival contentions of the parties and upon perusal of materials on record, to subserve justice, the representation of the petitioner dated **January 25, 2023 Annexure P/12 at page 45 to the writ petition** shall be considered by the respondent no. 4 as if the representation deemed to have been made before him.

The petitioner shall supply a copy of the said representation dated **January 25, 2023 Annexure P/12 at page 45 to the writ petition** before the respondent no. 4 within two weeks from date.

After receiving a copy of the said representation dated January 25, 2023 along with a copy this order from the petitioner, the respondent no. 4 shall take a decision in accordance with law and reply to the petitioner on the said representation with reason and inform the same to the petitioner forthwith.

It is needless to mention that, while deciding the representation of the petitioner the respondent no. 4 shall clearly spell out the reason with particulars and details and with supportive documents.

The entire exercise as directed herein shall be carried out and completed by the respondent no. 4 including the communication of the reasoned decision by way of reply to the said representation dated January 25, 2023 positively within a period of 4 weeks from the date of communication of this order.

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

It is made clear that this Court has not gone into the merits of the claim of the petitioner in this writ petition in any manner and the respondent no. 4 by applying his independent mind shall give his reasoned decision on the representation of the petitioner dated January 25, 2023 strictly in accordance with law.

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 in terms of her representation dated January 25, 2023 strictly in accordance with law.

On the above terms this writ petition being **WPA No. 6200 of 2023** stands disposed of, without any order as to costs.

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

(Aniruddha Roy,J)