

21.09.2023
Item No. ML. 12
Crt.No.22
b.r.

WPA 6808 of 2010

Asraf Ali
-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Sk. Imtiaj Uddin
...for the petitioner.

The petitioner was an aspirant in a selection process for the post of **Group-D staff at Karbula Satasgram High Madrasah (H.S.), District- Dakshin Dinajpur**. The petitioner participated in the interview on **June 24, 2009**. Since then the fate of the petitioner and that of the relevant panel if at all sanction or not was not known to the petitioner.

Mr. Ekramul Bari, learned counsel appearing for the petitioner referring to **annexure p-3 at page-26** to the writ petition submits that a representation was made by the petition before the respondent no.3 which was received by the office of the respondent no.3 on **March 5, 2010**. Since then the said representation has not yet been attended.

None appears for the respondents.

Considering the pendency of the writ petition since 2010 and considering the issue involved in the writ petition, this Court thinks it fit that no fruitful purpose

will be served by keeping the writ petition pending any further.

Accordingly the **respondent no.3** is directed to dispose of the said representation of the petitioner being **annexure P-3 at page-26** to the writ petition by giving a prior hearing notice of at **least seven days** to the petitioner and the **respondent no.6** and thereafter giving them an opportunity of hearing shall dispose of the said representation by passing a reasoned decision.

The entire exercise as directed above shall be carried out and completed by the **respondent no.3** within a period of **six weeks** from the date of communication of this order. The respondent no.3 then shall communicate its reasoned order to the petitioner and the relevant Madrasah 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 relevant Madrasah 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.3.

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 ineligible to receive his claim in

terms of the said representation 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 6808 of 2010 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.)