

Court No. 22
09.02.2023
(Item No. 93)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 10053 of 2021

Debyendu Biswas
VS
The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Avijit Kar
.... For the petitioner
Mr. Rajendra Chaturvedi
..... For the State
Mr. Siddhartha Lahiri
.... For respondent Nos. 4 & 5

Affidavit of service filed today, is taken on record. Notice shows that, the relevant school authority, respondent Nos. 6, 7 and 8 had duly been served but they chose not to be represented.

The petitioner claimed to be an **Assistant Teacher appointed under the category of Associated N.C.C. Officer**. The petitioner claimed that, the school authority had not allowed to conduct the N.C.C. activities at the school, viz., **Telinipara Bhadreswar High School (H.S.), District - Hooghly**.

Mr. Ashis Kumar Chowdhury, learned advocate appearing for the writ petitioner drew attention of this Court to a communication dated January 16, 2019 issued by the respondent No. 3 where under the school authority was informed and requested to start the N.C.C. programme as indicated in the said written communication dated **January 16, 2019, Annexure P-14** at **page 51** to the writ petition.

The said decision of the respondent No. 3 is not under challenge in any manner.

Despite notice the respondent Nos. 6 to 8, the school authority chose not to be represented before this Court today.

The said communication had requested the said school authority to do the needful in compliance thereof.

In view of the above, to sub-serve justice, the respondent No. 6, 7 and 8 are specifically directed to take steps in accordance with law and to give effect to the decision of the respondent No. 3 mentioned in the said communication dated **January 16, 2019** issued by the respondent No. 3, **Annexure P-14** at **page 51** to the writ petition forthwith but positively within a period of two weeks from the date of communication of this order 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.

It is made clear that, this order shall not create any equity or right in favour of the petitioner. The school authority shall proceed to take steps to give effect to the said communication dated **January 16, 2019** strictly in accordance with law.

On the above terms, this writ petition being **WPA 10053 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)