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WPA 10183 OF 2023

MD. AKBAR ALI ANSARI
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sobhan Majumder
..for the Petitioner.

Mr. Rejaul Hossain
..for the State.

Affidavit of service filed in court today, is taken on record.

The petitioner claimed to be an Assistant Teacher at Sonakhola KLM Madrasah. The petitioner claimed benefit under **ROPA-2019**.

Mr. Rejaul Hossain, learned Advocate appearing for respondent nos.1, 3, 4 and 5 submitted that the petitioner had not opted for switch over option from **ROPA-2009** to **ROPA-2019**.

On the joint prayer of the parties, the Director of Madrasah Education is added as a party respondent.

Learned Advocate on record for the petitioner shall cause necessary addition of party in the original writ petition wherever it is required by putting his signature.

Considering the issue involved in this matter and considering the submissions made on behalf of the

parties, to sub-serve justice the petitioner shall be at liberty to make a comprehensive representation before the respondent no.5 within a period of two weeks from date **but such representation shall not travel beyond the scope of the case made out in the writ petition.**

In the event, such representation is made, the respondent no.5 shall issue a seven days' prior hearing notice upon the petitioner and the respondent no.6 and after hearing them shall decide the issue by passing a reasoned order in accordance with law.

The respondent no.5 shall carry out and complete the entire exercise as directed above positively within a period of six weeks from the date of communication of this order and shall communicate the reasoned order to the petitioner and respondent no.6 within a further period of two weeks from the date of the said reasoned order to be passed.

In the event, the reasoned decision goes in favour of the petitioner, then the respondent no.3 and/or any other relevant authority shall take all further steps to give effect to the said reasoned order forthwith but positively within a period of four weeks from the date of communication of the said reasoned order.

It is made clear that this court has not gone into the merits of the claim of the petitioner. The petitioner and the respondent no.6 shall be at liberty to urge

whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the respondent no.5.

Since no affidavit has been called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is made clear that this order shall not create any right or equity in the event the petitioner is not eligible to receive his claim for whatever reason strictly in accordance with law.

The respondent no.5 while deciding the issue shall consider everything which are required to be performed by the petitioner to receive his claim in accordance with law.

On the above terms, this writ petition, **WPA 10183 of 2023** stands disposed of without any order as to costs.

(Aniruddha Roy, J.)

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