

S/L 87
16.02.2023
Court. No. 12
Suwayan

WPA 8052 of 2016

**Mamluka Parvin
Vs.
The State of West Bengal & Ors.**

*Mr. Golam Mastafa
Mr. Subir Sabud
Mr. Samirul Sardar*

...for the petitioner.

*Mr. Jaharlal De
Mr. Srikanta Paul*

...for the State.

Both the writ petitioner and the State/respondents are represented by their respective learned Advocates.

In course of hearing learned Advocate for the writ petitioner draws attention of this Court to the order dated 19.07.2016 as passed in this writ petition and the relevant portion of which is as under:

“...The pendency of the writ application will not prevent the petitioner from availing of any other modes of appointment on compassionate ground.”

It is submitted on behalf of the writ petitioner that in course of the pendency of the writ petition the petitioner has changed her mind and drawing attention to Annexure P-10 of the affidavit-in-reply as filed by the petitioner at its pages 13 and 14, it is submitted that the instant writ petition may be disposed of by directing the respondent No. 3, i.e., the District Inspector of Schools, (S.E.), Dakshin Dinajpur to treat the said letter dated 29.08.2016 as a representation of the writ petitioner and

to consider the same by passing the reasoned order in accordance with law.

Per contra learned Advocate for the State, however, submits that Annexure P-10 of the affidavit-in-reply, that is, the letter dated 29.08.2016 as written by the learned Advocate for the writ petitioner cannot be treated as a representation of the instant writ petition.

On perusal of the entire materials as placed before this Court and after considering the rival submissions of the learned Advocates for the contesting parties it appears to this Court that since during the pendency of the instant writ petition, the writ petitioner has changed her mind to get an appointment for any other post other than a primary school teacher as a died-in-harness case, liberty is given to the present writ petitioner to submit her representation afresh either in the light of the letter dated 29.08.2016 as written by her learned Advocate or in any other way as she think fit and proper with the respondent No. 3, i.e., the District Inspector of Schools, (S.E.), Dakshin Dinajpur within a period of one month from the date passing of this order.

Upon submission of such representation the respondent No. 3 is hereby directed to consider and dispose of such representation by passing necessary reasoned order in accordance with law after giving opportunity of being heard to the present petitioner within three months from the date of submission of the representation of the writ petitioner afresh as indicated above.

With the aforementioned observation, the instant writ petition being WPA 8052 of 2016 is disposed of.

Parties to act on the server copies of this order.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)