

16 23.8.2023
Sc Ct. no.22

WPA 11616 OF 2019

Dali Das

Vs.

The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. Hare Krishna Halder
Mr. Himadri Shekhar Paul
Mr. Angshuman Patra.

....For the Petitioner

Mr. Pinaki Dhole
Mr. Ritesh Kumar Ganguly.

....For the State
Respondent Nos.1 to 5

The petitioner claimed to be an Assistant Teacher at Amghata Shyampur Girls' High School, District – Nadia. The petitioner claimed incremental benefit. The petitioner has been rendering his service. A representation was made dated **May 24, 2018 at page 21 to the writ petition** before the respondent no.4. The same has not yet received the attention of the State authority.

Mr. Pinaki Dhole, learned State counsel appears for the respondent nos. 1 to 5.

The respondent nos. 6 and 7 are not represented.

Considering the submissions made on behalf of the parties and considering the said representation of the petitioner dated **May 24, 2018 at page 21** to the writ petition, the respondent no. 4 upon giving at least a seven days' prior hearing notice to the petitioner and the respondent no.7 and after giving them an opportunity of

hearing shall pass a reasoned order in accordance with law.

The respondent no.4 then shall communicate its reasoned order to the petitioner and the respondent no.7 within a further period of two weeks from the date of the said reasoned order to be passed.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.4 ***positively*** within a period of ***six weeks*** from the date of communication of this order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner. The petitioner and the respondent no.7 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.4 but the ***same shall not travel beyond the scope of the representation dated May 24, 2018,*** as referred to above.

It is made clear that this order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to receive her claim strictly in accordance with law.

In the event the reasoned order goes in favour of the petitioner, the respondent nos.4, 7 and all other relevant authorities shall take all necessary and consequential steps to give effect to the said reasoned

order ***positively*** within a period of ***four weeks*** from the date of communication of the said reasoned order.

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

On the above terms this writ petition, ***WPA 11616 of 2019*** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)