

Court No. 22  
**18.12.2023**  
(Item No. ML-  
126)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**  
**W.P.A. 12723 of 2013**

Kalyan Kumar Deria  
VS  
The State of West Bengal & Ors.

Mr. Apurba Kumar Ghosh  
Mr. Rudranil Ghosh  
... for the petitioner

This is a hearing matter.

Mr. Apurba Kumar Ghosh, learned advocate appears for the petitioner. Learned advocate for the petitioner informed this Court that, the respondent No. 6 is the added respondent who was appointed in place and instead of the petitioner.

None appears for the respondents.

Despite there being a direction by a co-ordinate bench on June 30, 2014 and was extended from time to time no affidavit-in-opposition has been filed. The writ petition is pending from 2013, hence, this Court is of the view that, no fruitful purpose will be served by keeping this writ petition pending any further. This Court accordingly proceeds to dispose of the same.

The claim of the petitioner is that, the petitioner was appointed as a **Laboratory Assistant** under a communication dated **February 6, 2009**, **Annexure P-9** at **page 37** to the writ petition.

Following such appointment the petitioner went to provide all the necessary documents to the school authority but the school authority did not allow him to enter into the school premises and despite having working for a considerable period subsequently he was not allowed to enter into the school.

All documents were snatched from the petitioner including the appointment letter as submitted by the learned advocate for the petitioner. The petitioner then made a representation before the respondent No. 3 followed by a reminder thereto dated **May 22, 2012, Annexure P-12** at **page 40** to the writ petition. **Annexure P-11** at **page 39** to the writ petition would show that, the petitioner was directed to appear before the respondent No. 3.

The learned advocate for the petitioner submits that, the petitioner appeared before the respondent No. 3 and submitted all the relevant records but **till date no communication has been received by the petitioner with regard to ventilation of his grievance.**

Considering the above, to sub-serve justice the petitioner is granted liberty to submit a comprehensive representation before the respondent No. 2 enclosing all the documents which he has enclosed in this writ petition but the scope of the

representation shall not travel beyond the scope of this writ petition.

In the event, such representation is submitted by the petitioner, the respondent No. 2 upon issuing at least seven days prior hearing notice to the writ petitioner and the respondent Nos. 5 to 6 and then after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 2 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner, respondent Nos. 4, 5 and 6 positively within a further period of **two weeks** from the date of the said reasoned order to be passed. The petitioner shall serve a copy of this writ petition with all its annexures upon the respondent No. 2 who shall refer to the same while deciding the issue.

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 respondent Nos. 4 to 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. 2.

In the event, the reasoned order goes in favour of the petitioner and the petitioner succeeds, then the respondent No. 2 and/or any further or other authority shall take all necessary and consequential steps to give effect thereto positively within a period of **three weeks** from the date of the said reasoned order to be passed.

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

On the above terms this writ petition being **WPA 12723 of 2013** stands **disposed of**. Accordingly, all connected applications also stand 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.)**