

Court No.
03.02.2023

(Item No. 122)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 16627 of 2022

Asis Kumar Belel
VS
The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. Hare Krishna Halder
Mr. Angshuman Patra
Mr. Himadri Sekhar Paul
.... For the petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
.... For the State

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

The petitioner claimed to be an **Assistant Teacher** presently at **Sheoberia Panchberia High Madrasah, District - Hooghly**. The petitioner claimed that he was initially suspended on **July 7, 2018 till July 9, 2018**. The petitioner challenged the said suspension in a previous writ petition being **WP 15801(W) of 2018**. By an order dated **January 24, 2019** passed by a co-ordinate bench the suspension was quashed and the period under which the petitioner was allegedly suspended was directed to be treated as **“on duty”**. The petitioner though claimed, despite this direction, the relevant Madrasah did not release the salary of the petitioner for about 9 months. On December 31, 2022 the petitioner submitted a representation before respondent No. 4. The petitioner claimed that, the said representation

had not yet received any attention of the State authority.

Ms. Lipika Chatterjee, learned advocate appears for respondent Nos. 1, 4, 5 and 9.

Considering the case made out in the writ petition and considering the submissions made on behalf of the appearing parties and the materials on record, to sub-serve justice, the respondent No. 4 is directed to consider the representation of the petitioner dated **May 31, 2022** at **page 39** to the writ petition upon giving a seven days prior hearing notice to the petitioner and the respondent Nos. 7 & 8 and after hearing them shall pass a reasoned order on the issue in accordance with law.

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. The respondent No. 4 then shall communicate his reasoned order to the petitioner and the respondent Nos. 7 & 8 positively within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner and the petitioner will be at liberty to urge whatever points he wishes to urge by relying upon whatever documents and records he wishes to rely upon before the respondent No. 4. The school

authorities shall also co-operate and render all assistance before the respondent No. 4 if necessary shall produce all the documents.

The respondent No. 4 while considering the case of the petitioner shall be duty bound to consider the previous order of the co-ordinate bench dated **January 24, 2019** passed in **WP No. 15801 (W) of 2018** at **page 23** to the writ petition.

After the reasoned decision is communicated to the respondent Nos. 7 and 8 then shall take all necessary and consequential steps to make payment to the petitioner positively and such payment shall be made to the petitioner positively within a further period of two weeks from the date of communication of the said reasoned order to be passed.

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

On the above terms, this writ petition being **WPA 16627 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.)