

31.03.2023
Item no.59
Court No.22.
AB

WPA 18292 of 2022

Sk. Abubakkar
Vs
The State of West Bengal & Others

Md. Sarwar Jahan,
Md. Ashraful Hug,
Mr. Shahzad Noor Thander....for the Petitioner.

Mr. Bhaskar Prosad Vaisya,
Mr. Ranjan Sahafor the State.

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

The petitioner at present is working as a
Sampasarak at **Charbhaiyapara Shishu Shiksha
Kendra, District – Purulia**. The petitioner sought for
approval of his appointment as such. Drawing
attention to **Annexure P-6 at page 32** to the writ
petition, which is a document dated **November 15,
2017**, Md. Sarwar Jahar, learned Counsel for the
petitioner submitted that the name of the petitioner
was recommended by the respondent for approval. No
steps had been taken. The petitioner then made a
representation on **July 14, 2022, Annexure “P-8” at
page 35** to the writ petition before the respondent
no.4. The same is also pending without any decision.

Learned Counsel for the petitioner, in view of the
above, submitted that the case of the petitioner may be

considered by the appropriate authority that is the respondent no.2 in accordance with law.

Mr. Bhaskar Prosad Vaisya, learned Additional Government Pleader appears for the respondent nos. 1 to 4.

Considering the submissions made on behalf of the parties and considering the materials on record, to sub-serve justice, the petitioner is granted liberty to submit a composite representation before the respondent no.2 in the light of his representation **dated July 14, 2022, Annexure P-8 at page 35** to the writ petition, along with a copy thereof within a period of two weeks from date.

In the event such a representation is submitted, the respondent no.2 by issuing at least a seven days' prior hearing notice to the petitioner and the respondent no.5 and after hearing them shall decide the issue by passing a reasoned order strictly 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. The respondent no.2 shall communicate his reasoned order to the petitioner and the respondent no.5 within a further period of two weeks from the date of the reasoned order to be passed.

It is made clear that the Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner and the respondent no.5 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 decision goes in favour of the petitioner, the respondent no.4 shall give immediate effect thereto within a period of two weeks from the date of communication of the said reasoned decision by the petitioner.

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

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 18292 of 2022** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Aniruddha Roy, J.)

