

22.08.2023
Item No. 09
Crt.No.22
b.r.

WPA 19943 of 2016

Purabi Roy
-vs-
The State of West Bengal & Ors.

Mr. Anjan Bhattacharyya
...for the petitioner.

Mr. Pinaki Dhole
Mr. Sayan Datta
.... For the State.

The previous order speaks for itself.

Today, the writ petition appeared under the heading
“For Dismissal”.

Affidavit of service filed in Court today be retained
with the record.

Mr. Anjan Bhattacharyya, learned advocate, appears
for the petitioner.

The petitioner claimed to be a **Group-D** staff at one
Hatia High School (H.S.), Raigunj, District- Uttar
Dinajpur. According to the petitioner there was a vacancy
for the post of clerk at **Group-C**. The petitioner claimed to
have qualified **Madhyamik** examination, she claimed to be
eligible to discharge the duties of a **Group-C staff**. She
further claimed that in view of vacancy being there she is
already discharging duties as a **Group-C** staff at the
relevant school.

She claimed an approval of appointment for the post
of **Group-C staff**.

Mr. Sayan Datta, learned advocate led by Mr. Pinaki Dhole, learned advocate appears for the respondent nos. 1 to 3.

After considering the submissions made on behalf of the parties and on perusal of the materials on record to sub-serve justice the petitioner shall be at liberty submit a comprehensive representation before respondent no.3 within a period of two weeks from date but such representation shall not travel beyond the scope of the case made out in the writ petition.

In the event, such representation is submitted, the respondent no.3 upon issuing a prior hearing notice of at least seven days to the petitioner and the to the respondent nos. 4 and 5 and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim made by the petitioner and the petitioner and the relevant school authority 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.3. but the same shall not travel beyond the case made out in the writ petition.

The entire exercise as directed above shall be carried out by the respondent no.3 positively within a period of **four weeks** from the date of receiving the representation

from the petitioner. The respondent no.3 shall communicate his reasoned order to the petitioner and the relevant school authority within a further period of **two weeks** from the date of said reasoned order to be passed.

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

In the event, the reasoned decision goes in favour of the petitioner then the respondent no.3 and relevant school authority shall take all 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 to the school authority.

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

On the above terms, this writ petition being **WPA 19943 of 2016 stands disposed of**, without any order as to costs.

Parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)