

12.09.2023
SL. 53
Court no.22
b.r.

**W.P.A.20543 of 2019
IA No. CAN 1 of 2020
(Old No. CAN 3082 of 2020)**

**Rahul Ali Khan
Vs.
The State of West Bengal & Ors.**

**Mr. Shaunak Ghosh
Mr. Anindya Sundar Das
.... for the petitioner.**

**Mr. Shamim ul Bari
..... for the State**

**Mr. Nadeem Sulaiman
..... for the respondent no.4.**

The writ petition appears today under the heading "For Dismissal".

The previous order speaks for itself.

Since the parties are present and they have agreed to proceed with the hearing of the writ petition for disposal, the same is taken up for consideration.

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

The petitioner claims that though he has been working as **Group-D Staff at Contai Rahmania High Madrasah (H.S), District- Purba Medinipur** he has not been receiving his salary since 2019. He has also not been granted allied monetary benefits. **Referring to Annexure P-15 at page-84** to the writ petition, Mr.

Shaunak Ghosh, learned counsel for the petitioner submits that a representation dated **October 17, 2019** was submitted by the petitioner before the respondent no.6 but the same has not yet received any attention.

Mr. Nadeem Sulaiman, learned counsel appears for the respondent no.4. According to him, the decision should be taken by the respondent no.5.

None appears for the State.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, to sub-serve justice, the petitioner shall be at liberty to submit an identical representation as that of **dated October 17, 2019, annexure p-15 at page-84** to the writ petition, before the respondent no.5 within a period of two weeks from date. In the event, such representation is submitted by the petitioner, the respondent no.5 upon issuing a prior notice of hearing of at least seven days upon the petitioner and the respondent no. 9 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 of the petitioner in any manner and the petitioner and the respondent no.9 shall be free to urge whatever points they wish to urge

by relying upon whatever records and documents they wish to rely upon before the respondent no.5.

The entire exercise as directed above shall be carried out and completed by the respondent no.5 positively within a period of **six weeks** from the date of receiving the representation from the petitioner.

In the event, the reasoned decision goes in favour of the petitioner, then the respondent no.9 and/ or the relevant Madrasah Authority, the respondent no.5 and/or any other further authority shall take all necessary and consequential steps to give effect to the reasoned order to be passed by the respondent no.5.

It is also to be noted that if the reasoned order goes in favour of the petitioner, the petitioner shall be paid all his financial benefits, which the petitioner is legally eligible to receive, along with interest at the rate of Rs.8 percent per annum to be paid by the respondent no.2 since the date petitioner has not been receiving his financial benefits till the date of actual tendering of amount to the petitioner.

The respondent no.5 shall communicate its reasoned order to the petitioner, the Madrasah Authority and all other necessary authorities including the respondent no.2 positively within a further period of **two weeks** from the date of such reasoned order to be passed.

The payment shall be released to the petitioner in the event the reasoned goes in its favour positively within a further period of **four weeks** from the date of communication of the said reasoned order to the appropriate authorities.

It is also 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 **WPA 20543 of 2019** along with **IA No. CAN 1 of 2020** stand **disposed of**, without any order as to costs.

Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)