

120 18.01.2023
Sc Ct. no.22

WPA 24034 OF 2022

Dinabandhu Pal

Vs.

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

....For the Petitioner

Mr. Asish Kumar Guha

Mr. Naren Ghosh Dastidar.

....For the State

Mr. Sourav Mitra

...For the Respondent
No.3

Affidavit-of-service filed on behalf of the petitioner,
is taken on record.

The petitioner was appointed and as such, is still under employment in the post of the **Assistant Teacher at Garh Raipur High School (H.S.), District – Bankura. The petitioner has been pursuing his Ph.D. at the Visva-Bharati University** (hereafter the University). The said University has sought for the necessary “**No Objection Certificate**” from the employer of the petitioner which is to be issued by the **respondent no.4**. In absence of such “**No Objection Certificate**”, the petitioner will not be able to pursue his Ph.D. degree.

Mr. Sudip Ghosh Chowdhury, learned advocate appearing for the petitioner submitted that from the affidavit-of-service filed today it would be evident that the school authority, viz. the respondent no.5, has been

served proper notice of hearing of this writ petition through the official E-mail I.D of the school.

Mr. Naren Ghosh Dastidar, learned advocate led by Mr. Asish Kumar Guha, learned advocate appears for the respondent nos.1 and 4.

Mr. Sourav Mitra, learned advocate appears for the respondent no.3.

Learned advocate appearing for the respondent no.4 submitted that it was a technical mistake on the part of the writ petitioner which can be rectified since the petitioner has been pursuing his Ph.D. degree to obtain higher qualification.

In view of the above, to subserve justice, the **respondent no.4** is directed to consider the **representation of the petitioner dated September 12, 2022** appearing at **page 18** to the writ petition after giving at least a **seven days' prior hearing notice to the petitioner and the respondent no.5** and after giving them an opportunity of hearing shall dispose of the same with a reasoned order/decision positively within a period of four weeks from the date of communication of this order.

If the **respondent no.4** would not find any irregularity on the part of the petitioner with regard to the relevant criteria, then the **respondent no.4** shall issue the necessary "**No Objection Certificate**" in favour of the petitioner to enable him to pursue his Ph.D. degree

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 merits of the claim of the writ petitioner in any manner and the ***petitioner and the respondent no.5*** shall be at liberty to urge whatever points they wish to urge before the ***respondent no.4*** by relying upon whatever records and documents they wish to rely upon.

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

On the above terms, this writ petition, ***WPA 24034 of 2022*** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)