

27 03.01.2023
Sc Ct. no.22

WPA 27899 OF 2022

Md. Wahid Middya

Vs.

The State of West Bengal & Ors.

Mr. Shaunak Ghosh
Mr. Sourav Mondal.

....For the Petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee.

.....For the State

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

The petitioner claimed to be working as a **Clerk of one Khiri Madrasah Siksha Kendra, District - Bankura** and by relying upon a document dated February 23, 2018, **Annexure-P6** to the writ petition, where the name of the petitioner had featured, the petitioner claimed approval of his appointment as a non-teaching staff at the relevant madrasah. The petitioner made a representation, *inter alia*, by an advocate's letter dated November 14, 2022, **Annexure-P8** to the writ petition, the same had not received any attention of the appropriate State authority.

Mr. Shaunak Ghosh, learned advocate appears for the writ petitioner.

Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader appears for the State.

Considering the submissions made on behalf of the parties and considering the materials on record to subserve justice, the **respondent no.2** is directed to consider the said representation of the petitioner, **Annexure P-8** to the writ petition, in the light of the documents being **Annexure-P3** to **Annexure P-6** at pages 18 to 24 to the writ petition after giving a prior hearing notice of at least seven days to the petitioner and the respondent no.6 and after giving them an opportunity of hearing shall decide the issue with a reasoned order/decision.

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 and the respondent no.2 shall then communicate this order to the petitioner and the respondent no.6 within a further period of two weeks from the date of the 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 shall be at liberty to urge whatever points he wishes to urge relying upon whatever documents and record he wishes to rely upon before the respondent no.2. The respondent no.6 shall render all necessary assistance and cooperation to the respondent no.2.

In the event the reasoned order/decision goes in favour of the petitioner then the respondent nos.2 and 5 shall take all necessary and consequential steps in favour of the petitioner positively within a further period of four weeks from the date of communication of the said reasoned order/decision to the respondent no.5.

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

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

On the above terms, this writ petition, **WPA 27899 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.)