

Court No.
17.02.2023

(Item No. 14)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 27931 of 2022

Murshidabad Adibashi Gramin Janakalyan Samity
VS
The State of West Bengal & Ors.

Mr. Swarup Paul
Mr. Surya Maity
Mr. Amitava Maji
Mr. Anirban Chakraborty
Mr. Gurusaday Dutta
Mr. Anish Roy

.... For the petitioner

Mr. Kalyan Kumar Chakraborty

.... For Union of India

Mr. Swapan Kumar Datta
Mr. Tapas Kumar Mandal

.... For the State

Mr. Amitava Chaudhuri
Mr. D. Basu
Mr. N. Roy

.... For the University

The petitioner claimed to become an **aided College** and despite representation being made from time to time the State authority did not pay any heed thereto.

On the last occasion on February 13, 2023 this Court had a doubt in its mind as to the determination classification, whether this writ petition can be entertained by this Court. After careful examination the learned counsel appearing for the parties before this Court have confirmed that, this Court has the determination.

Mr. Swarup Paul, learned counsel referring to a representation dated **March 10, 2022, Annexure P-9** at **page 33** to the writ petition submitted that, if

this representation is directed to be considered by the State authority, the petitioner would be able to know his fate. It is true that, if a representation is made before a State authority, the same has to be considered so that, the applicant concerned can know its fate.

Mr. Tapas Kumar Mandal, learned counsel led by Mr. Swapan Kumar Datta, learned Additional Government Pleader submitted that, the said representation dated **March 10, 2022** at **page 33** to the writ petition is not a wholesome one.

Considering the submissions made on behalf of the appearing parties and on perusal of materials on records to sub-serve justice, the petitioner will be at liberty to submit a further comprehensive representation within a period of two weeks from date, which shall be addressed to the respondent No. 2.

After such comprehensive representation is submitted, the respondent No. 2 shall decide and consider the said comprehensive representation along with previous representation dated **March 10, 2022, Annexure P-9** at **page 33** to the writ petition after giving at least seven days prior hearing notice to the petitioner and all other necessary parties as the respondent No. 2 shall deem fit and proper and then after granting them an opportunity of hearing shall decide the issue with a reasoned order.

The entire exercise as directed above, shall have to be carried out and completed by the respondent No. 2 positively within a period of six weeks from the date of receiving a comprehensive representation as directed above to be submitted by the petitioner. The respondent No. 2 then shall communicate its reasoned order to the petitioner and other parties 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 merit of the claim of the petitioner in any manner. All points are kept open for the petitioner and the other necessary parties. The petitioner and the other necessary parties shall be at liberty to urge relying upon whatever documents and records they wish to rely upon before the respondent No. 2.

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

In the event, the decision goes in favour of the petitioner, the respondent No. 2 shall direct the appropriate authority to take all further and consequential steps to give effect to the said reasoned order and the authority shall carry out the reasoned order positively within a period of six weeks from the date of the said reasoned order to be communicated to it.

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

On the above terms, this writ petition being **WPA 27931 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)