

Court No. 22
20.01.2023
(Item No. 160)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 28964 of 2022

Md. Abdur Rafique
VS
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Jahangir Hossain
Ms. Poulami Dutta
Ms. Tiyaasha Ghosh
..... for the petitioner
Mr. Supriyo Chattopadhyay
Ms. Sayantee Bhattacharjee
.... For respondent Nos. 1, 2, 5 & 6

Me. Nadeem Sulaiman
.... For the Board

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

The petitioner claimed to be an **Assistant
Teacher** at **Gopalchak Islamia Madhyamik Siksha
Kendra, District – Birbhum**. The petitioner claims
approval for the post of **“Siksha Samprasarak”** at
the said relevant Madrasah.

Mr. Prosenjit Mukherjee, learned counsel
drawing attention to **page 29** to the writ petition
submitted that, the name of the petitioner had
featured in the report of the District Level Inspection
Report (DLIT). Referring to **page 32** to the writ
petition Mr. Mukherjee submitted that, the Madrasah
had received recognition from the relevant State
authority. Referring to **pages 44 to 46** to the writ
petition he submitted that, the relevant Madrasah

also supported the case of the petitioner in favour of his **approval** as **“Siksha Samprasarak”**.

The petitioner made representations from time to time, the one of which is a comprehensive was dated **November 24, 2022, Annexure P-8** at **page 49** to the writ petition. Such report did not receive any consideration from the State authority.

In view of the above, to sub-serve justice, the respondent No. 2 is directed to consider the said representation of the petitioner dated **November 24, 2022 Annexure P-8** at **page 49** to the writ petition upon giving at least seven days prior hearing notice to the **petitioner** and the **respondent Nos. 7 and 8** and after giving them an opportunity of hearing shall decide the issue strictly in accordance with law by passing its 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. The respondent No. 2 then shall communicate its reasoned decision/order to the petitioner, respondent Nos. 7 and 8 positively within a further period of two weeks from the date of the said reasoned order to be passed.

In the event, the reasoned order/decision goes in favour of the petitioner, then the respondent No. 6 shall take all necessary and consequential steps in favour of the petitioner and inform the same to the

petitioner and the respondent Nos. 7 and 8 positively within a further period of two weeks from the date of receiving the copy of the said reasoned order.

It is made clear that, this Court has not gone into the merit of the claim made by the petitioner in any manner and the petitioner, shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon during the hearing.

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

It is 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 being **WPA 28964 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.)