

A-101 22.9.2023
Sc Ct. no.22

WPA 31270 OF 2014

Subham Sikdar

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari
Ms. Tanuja Basak.

....For the petitioner

Mr. Nabhajit Prasad Basu
Ms. Mousumi Banerjee.

....For the State

This is a hearing matter.

Direction for affidavit though was made but no affidavit-in-opposition was found on record.

While the matter was taken up for consideration, Mr. Nabhajit Prasad Basu, learned State advocate made over a communication dated **September 18, 2023**, issued by the respondent no.3 to the learned State counsel, a copy whereof is kept on record and a copy has also been handed over to Mr. Ekramul Bari, learned counsel appearing for the petitioner. From the said communication it appears that, since the file is no more traceable at the office of the respondent no.3, the issue could not be decided.

Considering the above, to subserve justice, the respondent no.3 is directed upon giving a seven days' prior hearing notice to the petitioner and the respondent no.4, shall decide the issue after giving them an

opportunity of hearing and pass a reasoned order in accordance with law.

Insofar as the petitioner is concerned, his records are available in the writ petition. The learned State advocate appearing today shall made over a complete set of writ petition to the respondent no.3 so that the record of the petitioner will be there before the respondent no.3.

Insofar as the records of the school is concerned, the respondent no. 4 shall place those before the respondent no.3 **positively** on or before the first day of hearing to be fixed by the respondent no.3.

The entire exercise, as directed above, shall be carried out by the respondent no.3 **positively** within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated by the respondent no.3 to the petitioner and the respondent no.4 **positively** within a further period of two weeks from the date of the reasoned order to be passed.

These directions are **mandatory and peremptory** in nature.

It is to be noted that, the employee concerned had **died on April 1, 2002** and the **resolution** of the Managing Committee of the relevant school with regard to the **compassionate appointment** was dated **May 15, 2002**.

With the above observation the writ petition, **WPA 31270 of 2014** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)