

Court No. 22

13.9.2023

(Item No. 14)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 33283 of 2014

Somnath Das

VS

The State of West Bengal & Ors.

Mr. Ramkrishna Bhattacharyya

Mr. Somraj Dhar

.... For the petitioner

Mr. Bhaskar Prasad Vaisya

Mr. Suman Dey

.... For the State

Ms. Koyeli Bhattacharya

..... for WBBSE

This is a hearing matter.

The office report dated June 5, 2017 shows that despite direction being made on April 17, 2017 no affidavit-in-opposition was filed.

The petitioner claims age correction in the certificate of the Madhyamik Pariksha, 1998. Drawing attention to **Annexure P-15** at **page 68** to the writ petition Mr. Ramkrishna Bhattacharyya, learned advocate for the petitioner submits that, a representation was made on February 17, 2012 which has not received any attention of the authority. He further draws attention of this Court to the copy of the relevant Madhyamik certificate and the related Admit Card showing the date of birth of the petitioner as **November 11, 1980, Annexure P-4** at **pages 38 and 39** to the writ petition.

Ms. Koyeli Bhattacharyya, learned counsel appears for respondent No. 3.

Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader appears for respondent Nos. 1 and 2.

After considering the submissions made on behalf of the parties and to sub-serve justice the President of the respondent No. 3 upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent No. 2 and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order strictly in accordance with law.

The entire exercise as directed above shall be carried out and completed by the President of the respondent No. 3 positively within a period of **six weeks** from the date of communication of this order. The President shall then communicate his reasoned order to the petitioner and the respondent No. 2 positively within a further period of **two weeks** from 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 petitioner in any manner and the petitioner and the respondent No. 2 shall urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the President of the respondent No. 3 during the hearing.

It is made clear that, this order shall not create any equity or right in favour of the petitioner in any

manner in the event the petitioner is not eligible to receive his claim strictly in accordance with law including the law laid down by the Hon'ble Supreme Court on the issue.

It is made clear that, while deciding the issue the President shall apply his independent mind without being influenced by any observation made herein and shall conduct the hearing strictly in accordance with law.

The direction for affidavit was made in 2017, but no affidavit-in-opposition has been filed. The writ petition is of 2014. No useful purpose shall be served by keeping it pending any longer and accordingly this order is passed.

On the above terms and with the above observations, this writ petition being **W.P.A. 33283 of 2014** 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.)