

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

32 31.8.2023
Sc Ct. no. 2

WPA 433 OF 2023

Dr. Rakesh Mondal

Vs.

The State of West Bengal & Ors.

Mr. Subhasish Misra
Mr. Rathin Das
Mr. Swarup Das.

....For the Petitioner

Mr. Subir Kr. Saha
Ms. Bedashruti Bose.

....For the State

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

Mr. Subhasish Misra, learned advocate appears for the petitioner.

Mr. Subir Kr. Saha, learned Additional Government Pleader appears for the respondent no.1.

Despite notice as it appears from the affidavit-of-service and the postal track report appended thereto, the respondent nos. 2 to 4 chose not to be represented.

The ***petitioner claimed that, he was working with the respondent no.2 as an Assistant Professor, Department of Law.*** The petitioner received an employment at the Burdwan

University, the respondent no.5, the proforma respondent. The petitioner has joined thereat. The petitioner claimed that, his **Service Book** lying with the respondent no.2 has not been sent to the respondent no.5, as a result, the ***pay fixation of the petitioner is being withheld.***

Drawing attention to ***Annexure-P9 at pages 32 and 33***, learned counsel for the petitioner submits that, despite notices and representations being submitted by the petitioner before the respondent no.4, the same has not yet received the attention and the Service Book of the petitioner has not been transmitted to the respondent no.5. The right of the petitioner is being prejudiced relating to its employment.

Considering the submissions made on behalf of the parties and considering the materials-on-record, to subserve justice, the respondent no.4 upon issuing at least a seven days' prior hearing notice to the petitioner shall decide the ***representations of the petitioner dated August 22, 2022 read with September 7, 2022, Annexure-P9 at pages 32 and 33 to the writ petition*** and pass a reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.4 positively within a period of six weeks from the date of communication of this order. The respondent no.4 then shall communicate its reasoned order to the petitioner 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 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 before the respondent no.4.

It is also made clear that, in the event the reasoned decision goes in favour of the petitioner, the respondent no.4 and/or the appropriate authority of the respondent no.2 shall take immediate steps to give effect thereto for transmitting the **Service Book** to the respondent no.5 **positively** within a period of **two weeks** from the date of communication of the said reasoned order to the petitioner.

Upon receiving the **Service Book** from the respondent no.4, the respondent no.5 shall take all further and consequential steps in accordance with law to which the petitioner shall be eligible in law.

Learned advocate on record for the petitioner shall also communicate and serve a copy of this order upon the respondent no.5 forthwith.

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

On the above terms this writ petition, **WPA 433 of 2023** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)