

15.04.2024
Item No. ml.6
Crt.No.22
b.r.

WPA 2303 of 2020

Asit Kumar Mahata & Ors.
-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Ms. Tanuja Basak
..... for the petitioners.
Ms. Tuli Sinha
.... For the State.

Mr. Sarwar Jahan
Ms. Tapati Sarkar
.... For the resp. no.3.

Mr. Ekramul Bari, learned counsel, appears for the petitioners.

Ms. Tapati Sarkar, learned advocate led by Mr. Sarwar Jahan, learned counsel appears for respondent no.3.

Ms. Tuli Sinha, learned State advocate, appears for respondent nos. 1, 4 and 8.

On the request of the learned State Counsel, a copy of the writ petition shall be served upon her.

Referring to a communication made by the **respondent no.4** to the concerned **Secretary, Panchayat and Rural Development Office dated January 28, 2019, annexure p-20 at page-85** to the writ petition, Mr. Ekramul Bari, learned counsel for the petitioner submits that no decision was taken or

communicated to the petitioner on the basis of the said communication.

Mr. Sarwar Jahan, learned counsel for the **respondent no.3** then refers to a communication dated **September 23, 2019, annexure p-18 at page-78** to the writ petition and submits that since the necessary land was not provided, the approval of the Madhyamik Sikhsa Kendra could not be considered.

The parties agreed that at present the appropriate authority is the Principal Secretary, School Education Department, State of West Bengal, who can take the decision and communicate the same to the petitioner on the issue.

In view of the above, for the ends of justice, this Court adds and impleads the Principal Secretary, School Education Department, State of West Bengal as a party respondent in the instant writ petition. The Learned advocate on record for the petitioner in course of the day shall add the said Principal Secretary by putting his signature on the cause title of the original writ petition. A copy of the amended writ petition incorporating the Principal Secretary shall be served upon the Principal Secretary by the petitioner forthwith.

The Principal Secretary, School Education Department then shall take a decision on the said communication dated **January 28, 2019, annexure P-**

20 at page-85 to the writ petition in the light of the communication dated **September 23, 2019, annexure p-18 at page-78** to the writ petition and in the light of the case made out in the writ petition and communicate the reasoned decision to the petitioners positively within a period of **six weeks** from the date of communication of this order along with a copy of the complete set of writ petition to be served upon the Principal Secretary as directed above.

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

It is made clear that this order shall not create right or equity in favour of the petitioners, if the petitioners are not eligible to receive their claims strictly in accordance with law.

In the event, the reasoned decision goes in favour of the petitioners, the necessary authority shall give effect thereto and implement the same by taking all consequential steps in accordance with law but positively within a period of **six weeks** from the date of communication of the reasoned order.

On the above terms, this writ petition, **WPA 2303 of 2020** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)