

51 07.5.2024
Sc Ct. no.2

WPA 17048 OF 2019

Dasarath Ram

Vs.

The State of West Bengal & Ors.

Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu.

....For the Petitioner

Mr. Avishek Prasad

....For the State

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

Referring to **Annexure-P8 at page 26** to the writ petition, the representation dated July 18, 2019 submitted by the petitioner before the respondent no.3, Mr. Lalratan Mondal, learned advocate appearing for the petitioner submits that, the said representation has not yet received the attention of the respondent no.3.

The petitioner claims regularization of his alleged unauthorized leave on medical ground.

Mr. Avishek Prasad, learned State counsel is present.

None appears for the respondent nos. 5, 6 and 7.

To subserve justice, the respondent no.3 shall consider the said representation of the petitioner ***dated July 18, 2019, Annexure-P8 at page 26*** to the writ petition upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent nos. 4 and 5 and after granting them an opportunity of hearing

shall proceed to decide the issue by passing a reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order. The respondent no.3 then shall communicate its reasoned order to the petitioner and the school authority positively within a further period of **two weeks** from the 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. The petitioner and the school authorities shall be at liberty to urge whatever points they wish to urge before the respondent no.3 by relying upon whatever records and documents they wish to rely upon .

In the event the reasoned order goes in favour of the petitioner, then the respondent no.3 and/or any other authority including the school authority shall give an immediate effect thereto but positively within a period of **two weeks** from the date of communication of the reasoned order.

It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner is not entitled to receive his claim strictly in accordance with law.

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 17048 of 2019** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)