

A-70 17.1.2024
Sc Ct. no.22

WPA 18303 OF 2018

Sandipan Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Tulsidas Maiti
Mr. Pradip Kumar Ghosh.

....For the Petitioner

Mr. Supriyo Chattopadhyay
Mr. Pinaki Bhattacharyya.

....For the State

This is a hearing matter upon affidavits.

The petitioner was an aspirant in the **12th Regional Level Selection Test – 2011**. Initially, he was not selected. Subsequently, it was detected that, there was an mistaken evaluation on account of posting of marks of the petitioner while preparing the Merit List. Ultimately, the petitioner received an appointment by receiving a recommendation from the West Bengal Regional School Service Commission dated **April 3, 2017, Annexure-P10 at page 47** to the writ petition. The Appointment Letter dated **April 10, 2017** is available at **page 48** to the writ petition.

Mr. Tulsidas Maiti, learned counsel appearing for the petitioner submits that, the **Joining Letter** of the writ petitioner dated **May 2, 2017 at page 49** to the writ petition shows that since the petitioner had joined, the petitioner is eligible to receive the notional benefit with

effect from the date when the relevant panel was given effect to.

Drawing attention to correspondence annexed to the affidavit-in-opposition filed on behalf of the respondent no.3 being ***Annexures – R1 and R2 at pages 4 to 6*** to the affidavit, Mr. Pinaki Bhattacharyya, learned State counsel led by Mr. Supriyo Chattopadhyay, learned Additional Government Pleader submits that, the issue has already been pending at the desk of the respondent no.2.

Considering the submissions made on behalf of the parties and considering the materials on record, to subserve justice the respondent no.2 is directed to pass a reasoned order on the issue on the basis of the materials available before it.

If necessary, the respondent no.3 shall also place all the relevant records before the respondent no.2.

Similarly, if necessary, the respondent no.5 shall also produce and transmit all the relevant records before the respondent no.2 to enable him to pass a reasoned decision.

The respondent no.2 then shall address the issue by passing its reasoned order positively within a period of ***eight weeks*** from the date of communication of this order.

From the last order dated ***November 22, 2023*** it appears that Dr. Sutanu Kumar Patra, learned counsel

appeared for the School Service Commission, however, none appears today to represent the School Service Commission.

The petitioner shall serve a copy of today's order upon Dr. Sutanu Kumar Patra, learned counsel for the School Service Commission.

Learned advocate on record for the petitioner while communicating this order shall also serve a copy of this writ petition along with a copy of the affidavit-in-opposition filed on behalf of the respondent no.3 with all its annexures upon the respondent no.2.

On the above terms this writ petition, **WPA 18303 of 2018** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)