

Court No. 2
11.11.2024
(Item No. 8)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 24894 of 2024

Sri Madhu Sudan Rajawar
VS
The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay
Mr. Sataranjan Kundu
Mr. Arjun Samanta
.... For the petitioner
Mr. Soumitra Bandyopadhyay
Mr. Srikanta Paul
.... For the State

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

The petitioner claims to be the only son of one Tarapada Majhi who is one of the land losers. The petitioner now claims employment under the land losers' scheme under the Exempted Category.

Mr. Surya Prasad Chattopadhyay, learned counsel appears for the petitioner.

Mr. Srikanta Paul, learned State counsel appears for the respondents.

In view of the above, the respondent No. 4 upon issuing a prior hearing notice of at least seven days to the petitioner and at the office of the respondent No. 6 and after granting an opportunity of hearing to the petitioner shall dispose of the claim of the petitioner by passing a reasoned order in accordance with law. The respondent No. 6 shall produce all the relevant records and documents before

the respondent No. 4 for taking a decision by him on the issue.

The entire exercise shall be carried out by the respondent No. 4 positively within a period of **eight weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner 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 writ petitioner and the petitioner shall be at liberty to submit whatever records and documents he wishes to submit and to urge whatever points he wishes to urge before the respondent No. 4 but the same shall be restricted to his claim for employment under the Exempted Category and not beyond that.

It is made clear that, the respondent No. 4 shall also be at liberty to call upon whatever records and papers it requires to decide the issue but if any such records and documents are called upon for reliance, copies of the same shall be provided to the petitioner seven days in advance and the petitioner shall also be at liberty to take inspection of such documents and records at the respective offices of the authority, if necessary.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his contention strictly

in accordance with law and strictly within the scheme of the State for granting employment to a land loser.

In the event, the reasoned decision goes in favour of the petitioner then the respondent No. 4 shall send a copy of its reasoned order positively within a period of **three weeks** from the date of the said reasoned order to be passed to the concerned and jurisdictional employment exchange who then shall take all necessary and consequential steps thereupon and inform the petitioner positively within a period of **four weeks** from the date of receiving the communication from the office of the respondent No. 4.

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

With the above observations and directions, this writ petition **W.P.A. 24894 of 2024** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)