

ORDER SHEET

WPO/758/2015

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

NIKHAT BANO
VS
STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date : 30th July, 2024.

Appearance:

*Mr. Sakti Pada Jana, Adv.
Mr. Kishore Mukherjee, Adv.
...for the petitioner*

*Ms. Tapati Samanta, Adv.
Mr. Arindam Ghosh, Adv.
...for the State*

The Court: The writ petitioner has been a teacher, appointed on 4th December, 1997, and working in the school concerned since thereafter, continuously and uninterruptedly. The school was affiliated on 7th August, 2012 to the Board of Madrasah Education, West Bengal, and consequently three of the Assistant Teachers employed therein, were granted approval. The writ petitioner's candidature for approval was not considered by the concerned respondent authority. Hence, this writ petition, to seek an order upon the concerned respondent, i.e., the respondent no. 7/the Director of Madrasah Education, West Bengal, to take steps to consider as regards the petitioner's representation dated 3rd December, 2014.

Mr. Sakti Pada Jana, learned Advocate for the petitioner submits that the writ petitioner would be eligible for approval of his service, which has been wrongly and illegally denied by the respondent authority. He insists

that petitioner's prayer by dint of his letter dated 3rd December, 2014, be immediately considered by the respondent.

Mr. Arindam Ghosh, learned Advocate, is appearing for the State respondent. So far as the supplementary affidavit earlier filed by the petitioner is concerned, he says that no affidavit-in-opposition has been preferred by the State respondent as to the same. He seeks that the contentions and prayer made therein, may be deemed to have been objected to by the State respondent.

Let this writ petition be disposed of with the following directions:

- i. The respondent no. 7, the Director of Madrasah Education, West Bengal, shall consider the petitioner's representation dated 3rd December, 2014 and take a decision thereupon.
- ii. The concerned respondent no. 7, in doing so, shall afford an opportunity of hearing to the writ petitioner and consider necessary documents as are required, and dispose of the said representation of the writ petitioner dated 3rd December, 2014 by dint of a reasoned order.
- iii. The entire exercise as above shall be concluded by the respondent no. 7 within a period of six weeks from the date of communication of this order along with a copy of the writ petition.
- iv. In case the respondent no. 7 considers the petitioner's plea favourably it shall adopt and undertake all consequential steps immediately thereafter.

- v. The contentions and prayer in the supplementary affidavit earlier filed by the petitioner may be deemed to have been objected to by the State respondent.

Urgent Photostat certified copy of this order, if applied for, be given to its parties on usual undertaking.

(RAI CHATTOPADHYAY, J.)

sg.