

Item No.
37
21.3.25
S.D.

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side.**

WPA 9427 of 2021

**Book Syndicate Private Limited
Vs.
State of West Bengal & Ors.**

Mr. Atanu Biswas For the Petitioner.

Mr. Sutanu Kumar Mitra ... For the WBCHSE.

1.The petitioner is aggrieved due to the non-compliance on the part by the State respondent as regards the agreement dated July 6, 2014 entered into between the petitioner and the West Bengal Higher Secondary Education.

2. The preliminary point of objection has been raised in this case on behalf of the State respondent for the reason that the petitioner has not challenged any alleged infringement of his legal or fundamental right but has come to this court in this writ petition, to enforce an agreement that is as stated above, for which a writ petition would not be maintainable.

3. Learned Advocate appearing for the State has further submitted that an arbitration clause contained in the agreement further restricts

the scope and power of the court to exercise writ jurisdiction, to enter into the merits of the present case. He seeks that for the reasons as above the writ petition may be dismissed at the very outset.

4. The petitioner on the other hand has ventilated his grievance of being deprived of the due performance by the respondent authority as regards the agreements dated June 28, 2013 and July 6, 2013. He says that he has suffered immense loss and prejudice due to the alleged in action by the said respondent authorities, which has virtually adversely affected the right of life and livelihood of him.

5. Having heard the learned counsels and after perusing the record the court finds that the parties have entered into an agreement laying down certain terms and conditions therein.

6. There has been grievance of the petitioner regarding the non-compliance thereof by the State respondent.

7. To that extent he has written representations to the said respondent the last one of those being dated February 23, 2021. The same is yet to be considered by the said respondent.

8. The court finds that the petitioner definitely has the right of audience before the respondent authority. Therefore, let the Secretary,

West Bengal Council of Higher Secondary Education immediately consider and dispose of the petitioner's representation dated February 23 of 2021, after affording him an opportunity of hearing.

9. Let the said respondent pass a reasoned order as regards his grievance ventilated by the petitioner in his representation dated February 23, 2021, if not remitted by it at once.

10. The entire exercise as above should be concluded by the said respondent within a period of six weeks from the date of communication of copy of this order.

11. With the direction as above, the present writ petition being WPA 9427 of 2021 is disposed of.

12. Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.

13. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)