

Form No. J.(2)
Item No. 41
AB

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 1745 of 2025

Md. Atiqur Rahman

Vs.

The State of West Bengal & Ors.

For the petitioner	:	Mr. Nauroz Rahber, Advocate (VC) Mr. Debanjan Das, Advocate Md. Jawwad, Advocate Ms. Shahin Parveen, Advocate
For the State	:	Ms. Bedashruti Bose, Advocate Mr. Sandip Guha Roy, Advocate
For respondent no. 7	:	Mr. Tara Prasad Halder, Advocate (VC) Mr. Subhasish Misra, Advocate
Heard on	:	September 2, 2025
Judgment on :	:	September 2, 2025

Aniruddha Roy, J.

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

Referring to **annexure P-6** at **page 23** to the writ petition the petitioner submits that, the petitioner on July 5, 2025 has applied for lien leave but the same has not yet been considered in the manner as it is required to be considered in law.

Accordingly, an endorsement **“Not Possible”** without showing any reason appears on the top of the application allegedly endorsed by the

respondent no. 8 dated **July 9, 2025** stands **set aside** and **quashed** and no reliance shall be placed thereupon.

The respondent no. 7 upon issuing a prior hearing notice of at least **seven days** to the petitioner and the President/Secretary of the Managing Committee and/or the Teacher-in-charge of the respondent no. 9/school and after giving them an opportunity of hearing shall decide the said representation of the petitioner dated **July 5, 2025** by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 7 positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner and the respondent no. 9 positively within a 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 and the petitioner and the school authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no. 7 but the same shall not travel beyond the scope of the said representation dated **July 5, 2025, annexure P-6** at **page 23** to the writ petition.

In the event, the reasoned order goes in favour of the petitioner, the respondent no. 7 and/or any other authority or authorities shall give an immediate effect thereto by taking all necessary and consequential steps in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

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 claim before the respondent no. 7 in accordance with law.

In the event, the petitioner succeeds to his claim before the respondent no. 7, the respondent no. 10 shall then take steps in accordance with law.

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. 1745 of 2025** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)