

S/L 16
07.01.2025
Court. No. 3
Sourav

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 2683 of 2024

**Samir Adhikary
Vs.
The State of West Bengal & Ors.**

Mr. Debajit Kundu

...for the petitioner.

*Ms. Bedashruti Bose
Ms. Patralekha Chaudhury*

...for the State.

1. The affidavit-of-service as filed in Court today is taken on record.
2. Despite service, none appears on behalf of the respondent nos. 5, 6 and 7 though learned advocate for the State is present.
3. It is submitted at the Bar that the Chairman, District Primary School Council, Cooch Behar i.e., the respondent no. 6 is the appropriate answering respondent who is not represented today.
4. The writ petitioner is aggrieved for non-consideration of his application dated 26.09.2024 for his transfer on account of illness of his wife.
5. It is submitted on behalf of the writ petitioner that the writ petitioner was appointed as an Assistant Teacher on 15.02.2006 at Moktarer Bari Junior Basic School under Dinhata-1 Circle, Cooch Behar and since then he is working there in the said school.
6. It is the case of the petitioner that on account of Gynecological disease of the writ petitioner's wife,

the writ petitioner made a representation on September 26, 2024 with the respondent no. 6 authority but the respondent no. 6 authority remained mum over such representation.

7. On careful consideration of the entire materials as placed before this Court, this Court considers that justice would be sub-served if the respondent no. 6 is directed to treat the copy of the instant writ petition as a representation of the writ petitioner and to pass a reasoned order on such representation after giving an opportunity of hearing to the writ petitioner within a specified time.
8. It is thus ordered that the respondent no. 6 shall treat the instant writ petition as a representation of the writ petitioner. The respondent no. 6 is directed to give an opportunity of hearing either to the writ petitioner and/or to the learned advocate for the writ petitioner and, thereafter, shall pass a reasoned order on such representation and shall communicate such reasoned order to the writ petitioner forthwith preferably through mail if the mail details of the writ petitioner is furnished to him at the time of hearing.
9. It is made clear that the entire exercise as indicated in the foregoing paragraphs is to be completed by the respondent no. 6 within a period of two months from the date of communication of this order.
10. The respondent no. 6 is directed to act on the server copy of this order.

11. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 6.
12. With the aforementioned observations, the instant writ petition being **WPA 2683 of 2024** is thus disposed of.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)