

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Jul-10-2014

Judge : Debasish Kar Gupta

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET WP No.623 of 2014 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE JAGANNATH SARDAR Petitioner Versus STATE OF WEST BENGAL AND ORS.Respondents BEFORE: The Hon'ble JUSTICE DEBASISH KAR GUPTA Date : 10th July, 2014.

For Petitioner : Mr.Ms.:Mr.Mr.For Respondents The Court : S.P.Jana, Advocate Ujani Pal (Samanta).Advocate Sadananda Ganguly, Advocate Debapratim Banerjee, Advocate None appears on behalf of the respondent Nos.4, 5 and 6 in spite of service of copies of this writ application upon them.

No accommodation is prayed for.

Let the affidavit of service filed by the petitioner be kept on record.

This application is filed by the petitioner alleging inaction on the part of the respondent Nos.5 and 6 in issuing release order to pursue his study in B.Ed.

couRs.in academic session 2014-2015 from the University of Calcutta on deputation.

According to the petitioner he has been working for gain in the post of Assistant Teacher in Physical Education and Work Education Group.

page 32 On the basis of an application dated May 17, 2014 (Annexure P-5 at of this writ application) submitted by the petitioner to the University of Calcutta with counter signatures of the respondent Nos.3 and 5 he has been admitted to pursue study in B.Ed couRs.(Session 2014-2015).The classes in connection with the above couRs.has been started w.e.f July 1, 2014.

in need For the purpose of attending the above classes the petitioner is of release order from the respondent No.5.

The petitioner submitted an application dated June 30, 2014 (Annexure P-6 at page 38 of this writ application) to the respondent No.5 and the above release order has not yet been issued in favour of the petitioner.

Having heard the learned counsel present before this Court today as also after considering the facts and circumstances of this case I find from the materials on record that admittedly the application of the petitioner for pursuing study in the above couRs.was counter signed by the respondent Nos.3 and 5.

It is also not in dispute that on the basis of the above application the petitioner has already been admitted to pursue study in the above course.

Therefore, there is no reason for withholding the release order in favour of the petitioner.

Let it further be recorded that due to absence of the respondent Nos.4, 5 and 6 before this Court today in spite of service of copies of this writ application upon them, the allegations made against them remain uncontroverted.

In view of the above I direct the respondent authority to issue above release order in favour of the petitioner within July 18, 2014.

The writ application is disposed of.

There will however, be no order as to costs.

Urgent Photostat certified copy of this order be made available to the parties, if applied for, upon compliance of requisite formalities.

(DEBASISH KAR GUPTA, J.) msen

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