
(2013) 09 CAL CK 0053
In the Calcutta High Court
Case No : Writ Petition No. 8160 (W) of 2012

Smt. Bina Banerjee

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 13-09-2013

Acts Referred:

Citation : (2013) 09 CAL CK 0053

Hon'ble Judges : Sambuddha Chakrabarti, J

Bench : Single Bench

Advocate : Sanghamitra Nandi, for the Appellant; Billwadal Bhattacharya, Advocate for the State, Mr. Amitabha Choudhury and Mr. Moniruzzaman, Advocates for Respondents Nos. 2 to 4, for the Respondent

Final Decision : Disposed Off

Judgement

Sambuddha Chakrabarti, J.—By an order dated June 14, 1991, the Government of West Bengal, Education Department, issued an order giving an opportunity to the occupant-employees of Kalyani University and Bidhan Chandra Krishi Vishwavidyalaya to purchase the accommodation which they were occupying. So far as the eligibility is concerned, it was mentioned that the intending purchaser was to be in permanent service of the University and in continuous service of either of the two Universities for a period of five years and was in continuous occupation of the said house for five years. The case of the petitioner is that she is an employee of the University of Kalyani and is in continuous occupation of the concerned quarter as well as in continuous service in University for more than five years. She had made a representation to the Secretary to the Government of West Bengal, Higher Education Department on July 14, 2010.

2. Ms. Nandy, the learned Advocate for the petitioner, submits that till now the said representation has neither been replied to nor the request contained therein has been fulfilled.

3. By the present writ petition, the petitioner has prayed for a writ in the nature

of Mandamus commanding the respondents to sell the quarter in his occupation to him and for other prayers as made therein.

4. It may be mentioned that in spite of directions to file affidavit-in-opposition the respondents did not file any affidavit. The University also has not filed any affidavit. But Mr. Chowdhury has a very simple stand to take. He has placed the ball entirely in the court of the State Government as a matter between the petitioner and the Government and submits that the University has no role to play in the matter.

5. After hearing the learned Advocates of the respective parties and after going through the writ petition and particularly the order passed by a learned single Judge of this court dated May 20, 2009 in W.P. No. 26124(W) of 2008, which has been annexed to the writ petition as Annexure ? P-4, the writ petition is disposed of by giving liberty to the petitioner to make an application to the appropriate authority within three weeks from today and on receipt of such application the State respondents shall take all necessary steps for compliance with the direction contained in the Memorandum dated June 14, 1991 within eight weeks thereafter. In case the petitioner makes an application the State respondents shall further intimate the petitioner about all further steps to be taken by the petitioner as well as the mode of making the payment for the purpose of executing the deed of conveyance upon deposit of the price declared under the said order.

6. Needless to say that the State respondents shall decide the eligibility of the petitioner to come within the scope of the said order and in case any other condition is to be complied with by the petitioner, the same should also be indicated to the petitioner. The respondents shall also intimate the petitioner the amount which is required to be deposited and by which date such payment is to be made and the petitioner shall comply with the same within the time which may be framed by the appropriate State respondents.

7. The writ petition is disposed of.

8. There shall, however, be no order as to costs. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on priority basis upon compliance of all requisite formalities.