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19.05.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 6775 of 2010
IA No. CAN 1 of 2021**

**Vivekanda Roy Chowdhuri & Anr.
-versus
State of West Bengal & Ors.**

**Mr. Syed Nural Arefin,
Mr. Rahul Singh.
...For the Petitioners.**

**Mr. Tapan Kumar Mukherjee,
Ms. Debdooti Dutta.
...For the State.**

The petitioners pray for regularization of their service as organizing teacher in the upgraded section of Papuri High Madrasah.

The writ petition was filed in the year 2010 and the same stood dismissed for default on 19th June, 2015.

An application for restoration has been filed on 1st September, 2021.

The reason mentioned in the said application praying for restoration is that the petitioners were dependent upon their learned advocate and after a change in the counsel the petitioners came to learn that the writ petition was dismissed.

The order of dismissal for default stands recalled.

The petitioners claim to be appointed as organizing teacher of the Papuri Junior High Madrasah. No document has been annexed to the writ petition in support of their appointment.

There is neither any resolution of the Managing Committee of the Madrasah nor any formal letter of appointment issued in their favour.

The certificate annexed at page 35 of the writ petition allegedly issued by the Teacher-in-Charge of the said Madrasah on 5th May, 2000 appears to be forged. There is overwriting in the date mentioned in the 2nd paragraph of the said certificate.

The petitioners have annexed a representation allegedly made before the District Inspector of Schools praying for approval of their appointment. The said letter does not bear any date and/or seal of the receiving authority.

There is a specific provision under which teachers of Madrasah are appointed. It does not appear that the petitioners were appointed in accordance with the provision of law.

In view of the above, there is no scope for passing any order in favour of the petitioners herein.

The writ petition stands dismissed.

The application being CAN 1 of 2021 stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)