

21.10.2020

Ct. No. 19

Item No.20

pk.

WPA No. 7214 of 2020

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IA CAN 1 of 2020

Md. Rafikul Islam

-vs-

State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya, Sr. Adv.

Mr. Aninda Bhattacharya for the petitioner

Mr. Anjan Dutta for the respondent nos.10 & 11

Mr. Shamimul Bari for the State

By the order dated 20th February 2020 passed by the Secretary, West Bengal Madrasah Service Commission, the petitioner was transferred from D.B.S. High Madrasah (HS), Murshidabad to Abdul Mannan High Madrasah, Kalukhalia, Bhagabangola, Murshidabad District as Headmaster. The Secretary of Abdul Mannan High Madrasah, Murshidabad, the Teacher-in-Charge, Abdul Mannan High Madrasah, Murshidabad and the Administrator, D.B.S. High Madrasah (HS), Murshidabad were directed to take immediate necessary action pursuant to the said order.

The petitioner submits that though he is agreeable to join the said Madrasah as Headmaster pursuant to the direction passed by the Secretary of the West Bengal Madrasah Service Commission, the Madrasah authority is not permitting him to join.

The learned advocate representing the Madrasah seeks time for filing his affidavit-in-opposition.

The learned advocate for the State submits that in spite of repeated requests made by the District Inspector of Schools, Secondary Education, Murshidabad, the Madrasah is not acting in terms of the direction passed by the Commission.

As it appears that the order has already been passed for transferring the petitioner from one Madrasah to another, the transferee Madrasah is bound to act in accordance with the order passed by the Madrasah Service Commission. If the Madrasah is aggrieved by the said order, necessary steps ought to have been taken by them.

The order of transfer passed by the Secretary of the West Bengal Madrasah Service Commission in February 2020 is yet to be given effect to. The Madrasa is bound to act in accordance with the direction passed by the Madrasa Service Commission.

In view of the above, the respondent nos. 10 and 11 are directed to act in terms of the order dated 20th February 2020 passed by the Secretary, West Bengal Madrasah Service Commission.

The Madrasah is directed to take immediate steps to comply all the necessary formalities for engagement of the petitioner as Headmaster and issue necessary letter of joining in his favour so that he can immediately take

charge as the Headmaster of the said Madrasah in terms of the aforesaid transfer order.

WPA No. 7214 of 2020 along with IA No. 1 of 2020 are disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)