

16-12-2020
ct no. 13
Sl.16
sp

WPA 10214 of 2020

Md. Jamir

-Versus-

State of West Bengal & Ors.

**Mr. Saibal Acharyay,
Mr. Jakir Hossain,
Mr. Shahan Shah**

....for the petitioner

Mr. Nadeem Sulaiman

...for the Board

Mr. Subhrangsu Panda

...for the State

**Mr. Prosenjit Mukherjee,
Mr. Nirmalya Kr. Das,
Ms. Madhurima Sarkar**

...for the Madrasah Service Commission

Affidavit-of-service filed by the petitioner
and the report filed by the police authorities
shall be kept with the record.

The Superintendent of Police, Islampur,
Uttar Dinajpur, the Joint Commissioner of
Police, Kolkata and the Officer-in-Charge,
Islampur Police Station have filed reports
indicating service of notice of the order dated
December 9, 2020 on the Headmaster, one Md.
Ishaque of the Khabargaon Rahatpur High
Madrasah (H.S.), Islampur and Shri Probal
Ranjan Santra, Administrator appointed by the
West Bengal Madrasah Board.

Despite whereof there is no appearance on their behalf. The statements in the writ petition stand uncontroverted.

There is absolutely no explanation before this Court, as to why despite recommendation by the Madrasah Service Commission issued on October 6, 2018, being MSC 161/2018 under Memo No. 2818 dated 06.10.2018 the writ petitioner was not allowed to join post. There is also no objection or contradiction of the statement made in the writ petition that a sum of Rs. 2,50,000/- was demanded on behalf of the Madrasah to allow the petitioner to join service.

Since, despite specific notice of this Court, the Administrator appointed by the Board to the said Khabargaon Rahatpur High Madrasah (H.S.), Islampur and the Headmaster have chosen not to appear before this Court, West Bengal Madrasah Board shall forthwith remove the Administrator and shall appoint a new Administrator and also hold an enquiry as against the Headmaster and concerned Officials as to the circumstances under which the petitioner was not allowed to join the post of Assistant Teacher in the said Madrasah.

The petitioner shall report to the said Madrasah by Tuesday (22.12.2020) and shall be

deemed to have joined the Madrasah on February 15, 2019. He shall be paid all arrears of salary and his tenure of service shall be counted from February 15, 2019.

The amount of arrears payable to the petitioner shall be paid to him by the Madrasah in question within a period of two months from the date of communication of a copy of this order including regular salary and allowances.

The Director of Madrasah Education, West Bengal shall be entitled to recover the said arrears payable to the petitioner from February 19, 2019 till the date he joins, from the persons that they may find responsible for preventing the petitioner from joining his duties as stated above.

A report shall be submitted by the Director, Madrasah Education, to this Court on 15th March, 2021 indicating the steps taken by him as directed hereinabove.

The writ petition is disposed of but shall be listed on 15th March, 2021 for the above limited purpose.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties.

(Rajasekhar Mantha, J.)