

W.P.A. 317 of 2021

Sahana Afroz
-Vs-
The State of West Bengal & Ors.

Ms. Koyeli Bhattacharyya,
Mr. Subhrangsu Panda.
.....for the petitioner.

Mr. Prosenjit Mukherjee,
Mr. Nirmalya Kumar Das,
Ms. Madhurima Sarkar.
.....for the Madrasah
Service Commission.

Mr. Tapan Kumar Mukherjee,
Mr. Samim-ul Bari.
.....for the State.

The petitioner was appointed as the Work Education (Pass) Assistant Teacher at Ranjitpur Begam Jahanara Memorial Girls' High Madrasah, district Murshidabad.

She was subsequently transferred purely on the basis of temporary working arrangement to Kulgoria Girls' High Madrasah, district Purba Burdwan vide memo of the Director of Madrasah Education, West Bengal bearing Memo No. 891-ME, dated July 30, 2019.

The petitioner being aware that the Commission is now considering the application of the approved teaching and non-teaching staffs of the recognized Madrasahs for general transfer gave a representation to the Secretary, West Bengal Madrasah Service Commission,

respondent No. 3 herein and others praying withdrawal of the vacancy list for general transfer in respect of the Work Education (Pass) posts in respect of the said Kulgoria Girls' High Madrasah, district Purba Burdwan and has prayed for regularization of her temporary appointment in the said Madrasah.

Ms. Bhattacharyya, learned Counsel appearing on behalf of the petitioner submits that the grievance of the petitioner is that the Commission is not taking any further steps on the said representation.

Mr. Prosenjit Mukherjee, learned Counsel appearing on behalf of the Madrasah Service Commission submits that the Commission shall consider the said representation of the petitioner in accordance with law.

The Commission being the authority regarding transfer of the approved teaching and non-teaching staffs of Madrasahs is obliged to consider the said representation of the petitioner.

The Secretary of the West Bengal Madrasah Service Commission being the respondent no.3 herein is, therefore, directed to consider the said presentation of the petitioner dated November 26, 2020 appearing at page '38' of the writ petition being Annexure P-4 and to dispose of the same by a reasoned order after giving all concerned parties

an opportunity of being heard within four weeks from the date of communication of this order.

The petitioner shall supply a copy of the writ petition along with a copy of this order to the said respondent no.3 immediately.

It is made clear that this Court has not gone into the merit of the claim of the petitioner for regularization of her appointment in the post of Assistant Teacher (Work Education) at the said Kulgoria Girls' High Madrasah, district Purba Burdwan, it is for the Commission to decide the same in accordance with law.

W.P.A. 317 of 2021 is disposed of with the above terms.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)