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SK
Ct. No. 18
10.02.2021

**W.P.A. No. 399 of 2021
(Via Video Conference)**

**Md. Ansarul Haque
Vs.
The State of West Bengal & Ors.**

Mr. Syed Nurul Arefin ... For the petitioner.

Mr. Subhrangsu Panda ... For the State respondents.

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

... For Madrasah Service

Commission.

Mr. Nabankur Paul ... For the respondent no. 8.

Mr. Nabankur Paul, learned advocate appears on behalf of the Administrator, Karishal Ekramia High Madrasah, Cooch Behar, the respondent no. 8 herein and files an affidavit of his client, which is taken on record.

The petitioner is an Assistant Teacher in the subject of advance Arabic/Theology (Pass) at Karishal Ekramia High Madrasah, Dist. – Cooch Behar. The petitioner applied for general transfer and was found eligible. The petitioner at the time of counselling could not produce the required no objection certificate from the Madrasah where he is now working as the same was not supplied to him by the respondent no. 8. The recommendation of general transfer of the petitioner till date could not be given effect to for want of the said no objection certificate.

The respondent no. 8 in his affidavit states that due to the dearth of the teacher of Arabic and Arabic related subject the said respondent could not issue the required no objection certificate to the petitioner as it will effect the learning of the students of the said Madrasah.

The petitioner has been found eligible for the general transfer, he cannot be forced to serve his present Madrasah because of the dearth of teacher in the relevant subject.

The respondent no. 8 is therefore directed to issue the said no objection certificate to the petitioner immediately.

The concerned Madrasah shall apply before the Chairman, West Bengal Madrasah Service Commission through proper channel for filling up the vacancy in the post of Arabic teacher of the said Madrasah.

The petitioner on transfer is required to join in the new Madrasah on February 16, 2021. The respondent no. 8 is, therefore, directed to issue the said no objection certificate within February 15, 2021 to the petitioner.

W.P.A. 399 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.)