

04.03.2021
Item No. 26.
(P.Jana)

(Via Video Conference)

WPA 4999 of 2021

Zahedul Islam
-Vs-
The State of West Bengal & ors.

Mr. Golam Mastafa,
Mr. Samirul Sardar,
... for the petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Saheli Mukherjee,
... for the State respondents.

The petitioner is a teacher at Manainagar
D.S.U. Jr. High Madrasah, Madrasah Siksha
Kendra (MSK), District: Uttar Dinajpur.

The Nodal Officer-cum-District Officer, Minority
Affairs, Uttar Dinajpur, the respondent no. 4 herein
by the Memo bearing No. 122/MA&ME dated
February 6, 2018 accorded the approval of the
petitioner w.e.f from September 01, 2017 to get
honorarium in accordance with the approved rate of
Government.

The Additional District Magistrate
(Development), Uttar Dinajpur, the respondent no.
5 herein by the Memo bearing No. 774/MA&ME
dated September, 24, 2018 declared the
aforementioned Memo bearing No. 122/MA&ME
dated February 06, 2018 as null and void on
account of contravention of existing guideline.

The petitioner challenged the aforesaid Memo No. 774/MA&ME dated September 24, 2018 in W.P 11270(W) of 2019.

The said writ petition was disposed of by granting liberty to the petitioners to file a detailed representation ventilating their grievances before the Secretary Minority Affairs & Madrasah Education Deptt., Government of West Bengal and the said authority was directed to consider and dispose of the same in accordance with law by a reasoned order upon hearing the petitioners and other concerned parties within a period of six weeks from the date of receipt of the representation from the petitioners.

The petitioner pursuant to the aforesaid order passed in the said writ petition submitted representation dated June 10, 2019 which has been rejected by the Additional Secretary to the Government of West Bengal by the order impugned in the present writ petition bearing Memo No.693-MD/O/5M-82/2019 dated April 20, 2020.

The Additional Secretary in the order impugned has held that Memo dated February 06, 2018 whereby the approval of the petitioner to get honorarium in accordance with the approved rate of Government was accorded is based on the G.O. No. 1982-MD/O/2M-08/17 dated September 20, 2017 which mandates that approval of the existing staff

may be made w.e.f. September 01, 2017 if their names were recorded in the first DLIT report but the name of the petitioner since does not find place in the said first DLIT report, he is not entitled to the said approval.

The mandate of the existing guideline for the said approval is that the names of the incumbent desiring such approval must find place in the first DLIT report, the petitioner sans qualifying the said requirement is not entitled to get the approval as prayed for.

This Court, therefore, does not find any illegality in the order impugned warranting interference.

The Additional Secretary to the Government of West Bengal in the order impugned has suggested a policy decision to accommodate the incumbents whose names are appearing in the second DLIT report for such approval. Mr. Golam Mastafa, learned advocate for the petitioner drawing my attention to the said suggestion submits that if such a policy decision is taken the petitioner may be granted liberty to avail the said opportunity.

The petitioner, if otherwise found eligible, is always entitled to take the benefit of any policy decision that may be taken by the Government in this regard, as suggested in the order impugned.

The writ petition being WPA 4999 of 2021 is disposed of with the above observations.

There shall be no order as to costs.

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

(Biswajit Basu, J.)