

Ct. 05
Item No.06
22.09.2021
(suvendu)

**WPA 7937 OF 2021
(VIA VIDEO CONFERENCE)**

**Md. Ali Ahmad & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sarwar Jahan
Mr. Sk. N. Haque
.....for the petitioners
Mr. T.M.Siddique
Mr. Sutanu Chakraborty
.....for the State

The writ petitioners are Shiksha Samprasaraks working in Jamia Islamia Madhyamik Shiksha Kendra (Senior Madrasah Type), District –Birbhum. The writ petitioner no.1 attained sixty years of age in the month of January, 2016, the writ petitioner no. 2 attained sixty years of age in the month of October, 2018 and the writ petitioner no. 3 attained sixty years of age in the month of April, 2019.

Mr. Jahan, learned advocate, appears on behalf of the writ petitioners and submits that all the writ petitioners after attaining sixty years of age, have not been getting their monthly remuneration though as per two Government Orders, being Nos. 1125 –MD/O/2M-70/07 dated 14th July, 2010 and 1516-MD/O/2M-37/08 (Pt. II) dated 24th July, 2019, the writ petitioners are entitled to continue as Shiksha Samprasaraks in Madhyamik Shiksha Kendra functioning under Minority Affairs Department, Government of West Bengal, till sixty-five years of age. Presently, after

attaining sixty years of age, all the petitioners are not getting remuneration and they have been discontinued. All the petitioners made representations, addressed to the District Nodal Officer, Minority Affairs Department, District –Birbhum. The writ petitioners pray for consideration of such representations whereby request has been made to permit the writ petitioners to work till the age of sixty-five years.

Mr. Siddique, learned Senior Government Advocate appears on behalf of the State respondents and opposes the prayer of the writ petitioners by drawing attention of this Court to the Government Order dated 24th July, 2019, which has been relied upon by the writ petitioners, and submits that since all the writ petitioners attained sixty years of age prior to issuance of the said Government Order, the writ petitioners are not entitled to get the benefit of the said Government Order dated 24th July, 2019.

This Court has considered the submissions of the respective parties to this writ petition and examined the available records and finds it apposite to grant liberty to the writ petitioners to make a comprehensive joint representation to the Director of Madrasah Education, Government of West Bengal, within a period of fifteen days from this day. If such representation is made within the time period as aforesaid, the Director of Madrasah Education, respondent no. 2, is directed to consider such representation in accordance with law within a period of twelve weeks from the date of receipt of such representation and communicate his decision

to all the writ petitioners within two weeks thereafter. Before taking such decision, respondent no. 2 is directed to grant opportunity of hearing to all the writ petitioners as well as authority of Jamia Islamia Madhyamik Shiksha Kendra (Senior Madrasah Type), District –Birbhum.

Accordingly, the writ petition is disposed of without any order as to costs.

Affidavit of service filed in Court today is taken on record.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

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

(Saugata Bhattacharyya, J.)