

28th September, 2021
(D/L No.13)
(SKB)

**W.P.A.9839 of 2021
(Via Video Conference)**

**Sahina Khatun and others
Versus
The State of West Bengal and others**

Mr. Kamalesh Bhattacharya,
Ms. Pampa Dey (Dhabal
... for the petitioners.

Mr. Tapan Kumar Mukherjee,
Ms. Sahili Mukherjee
... for the State.

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

The writ petitioners have claimed to have been duly appointed in the posts of Assistant Teacher and non-teaching staff in Akandadanga High Madrasah, District-Nadia, by the concerned authorities of the said Madrasah following the Rules as contained in the Notification dated 3rd March, 2016.

The grievance voiced on behalf of the writ petitioners by Mr. Kamalesh Bhattacharya, learned advocate is that in spite of appointment of the writ petitioners in the said posts vide appointment letters at pages 61 to 63 of the writ petition, till date the approval of appointment has not been accorded by the District Inspector of Schools (SE), Nadia, being the respondent no.5. One letter has been written by the writ petitioners dated 15th January, 2021 at page 84 of

the writ petition, addressed to the concerned respondent authorities including the Director of Madrasah Education, West Bengal, for taking necessary steps on the claim of the writ petitioners for approval of appointment. It has been submitted on behalf of the writ petitioners that since issue of approval of the writ petitioners is pending before the concerned authorities, the same needs to be finally decided.

Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader appears on behalf of the State respondents and submits that for appointment of the writ petitioners prior permission is pre-condition which has not been issued by the appropriate authority in favour of the said Madrasah in support of appointment of the writ petitioner and in addition thereto, it has also been submitted on behalf of the State respondents that on maintaining staff pattern of the said Madrasah appointments were required to be made. Mr. Mukherjee opposes the prayer of the writ petitioners for approval of appointment, as sought for.

Considering the rival submissions made on behalf of the respective parties, this Court directs the Director of Madrasah Education, West Bengal, being the respondent no.2, to take a decision on the representation of the writ petitioners dated 15th January, 2021, at page 84 of the writ petition, in accordance with law and if necessary upon placing

reliance on the relevant judgments of the Hon'ble Supreme Court, within a period of twelve weeks from the date of communication of this order after granting opportunity of hearing to the writ petitioners, concerned Madrasah authorities as well as District Inspector of Schools (S.E.), Nadia or his authorised representative. Decision to be taken in terms of this order, to be communicated to the writ petitioners within a period of two weeks thereafter.

However, it is made clear that if the decision goes in favour of the writ petitioners, consequential steps to be taken for appointment of the writ petitioners in the said posts by the concerned respondent authorities and in the event of rejection of the prayer of the writ petitioners by the concerned authority, adequate reasons need to be given in support of such rejection.

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

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, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)