

14-09-2021
ct no. 05
Sl. 09
Sayandeep

W.P.A. 9840 of 2021

Nasirul Hossain & Ors.

-Versus-

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Kamalesh Bhattacharyya

Mr. Pompa Dey (Dhabal)

...for the petitioners

Mr. Tapan Mukherjee, Ld. AGP

Mr. Shamim Ul Bari

....for the State

Mr. Subhas Jana

.... for the respondent No. 7

This is a writ petition at the instance of seven candidates who have purportedly been appointed in the post of Assistant Teacher in Gholla N.H.M. High Madrasah(H.S.), Murshidabad. Mr. Kamalesh Bhattacharyya, learned Counsel appears on behalf of the writ petitioners and has made his submission upon placing reliance on the judgment of the Supreme Court dated 6th January, 2020 passed in Civil Appeal No(s). 5808 of 2017 **(Sk. Md. Rafique Vs. Managing Committee, Contai Rahamania High Madrasah & Ors.)** and has made a prayer that the appointments which have been made in the said Madrasah may be approved by the concerned District Inspector of Schools(SE),

Murshidabad. It has further been submitted that the issue is kept pending for a long time and in view of the orders passed by the Apex Court in **Sk. Md. Rafique (Supra)**, writ petitioners are entitled to be appointed in the said Madrasah.

Mr. Tapan Mukherjee, learned Additional Government Pleader appears on behalf of the State respondent and has brought to the notice of this Court, the memo dated 25th February, 2021 issued by the concerned District Inspector of Schools(SE), Murshidabad wherefrom it appears that the approval of appointment of the writ petitioners in the said Madrasah as Assistant Teachers has already been turned down by the concerned D.I..

The submissions made on behalf of the learned advocates representing the parties to the writ petition has been considered and the memo No. 30/C-C issued by the District Inspector of Schools(SE), Murshidabad dated 25th February, 2021 placed before this Court on behalf of the State Respondent is taken on record.

Since the said memo dated 25th February, 2021 whereby the prayer for approval of appointment of the writ petitioners has been refused, has not been assailed in the present writ petition, the issue relating to approval of

appointment of the writ petitioners cannot be gone into in the present writ petition.

With the above observation, the writ petition stands disposed of upon granting liberty to the writ petitioners to file a fresh writ petition challenging the said memo dated 25th February, 2021, if so advised.

Mr. Bhattacharyya, learned advocate representing the writ petitioners prays for supply copy of the memo dated 25th February, 2021 to his clients and during the course of hearing, Mr. Tapan Kr. Mukherjee, Learned Additional Government Pleader hands-over a copy of the said memo dated 25th February, 2021 to Mr. Kamallesh Bhattacharyya.

There shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this 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.)