

Court No. 17

WPA 12097 of 2021

09.09.2021

(AD 2)

(S. Banerjee)

Hapijur Rahaman Laskar

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Syed Nurul Arefin
Mr. Subhrangshu Panda
Mr. Rahul Singh

... for the petitioner

Mr. Prosenjit Mukherjee
Mr. Nirmalya Kumar Das
Ms. Madhurima Sarkar

... for the Madrasah Service Commission

Mr. Hillol Saha Podder
Mr. Shraman Sarkar

... for the respondent nos. 7 and 8

In this case the allegation of the petitioner is that he is not getting the no-objection certificate from the school. The school is denying the certificate on the ground that if such no-objection is granted, the school will not have any teacher in the subject and the teaching in the higher secondary section of the school will be seriously jeopardized.

I find from a document produced on behalf of the Madrasah dated 02.08.2021 that in the higher secondary section he is the only teacher in the subject Political Science.

However, such situation cannot be counted as a ground for non-issuance of no-objection certificate. The school should issue no-objection certificate immediately.

No-objection does not mean that he will be transferred immediately to some other Madrasah. The petitioner submitted that in his lifetime he may not get any other opportunity for getting transfer to any other Madrasah.

Therefore, I direct the school to issue the no-objection certificate to the petitioner within a period of 10 days from date and the school is also directed to contact the West Bengal Madrasah Service Commission to send any teacher in place of the petitioner in his subject as soon as an order of transfer will be passed in his favour by the West Bengal Board of Madrasah Education.

The documents as aforesaid supplied by the school, along with other documents as has been produced by the learned advocate for the school, be kept on record.

Thus this writ application is disposed of.

(Abhijit Gangopadhyay, J.)