

Ct. 05
Item No.10
15.11.2021
(suvendu)

WPA 13255 of 2021

(Via Video Conference)

Sufia Khatun & Ors.

Vs.

The State of West Bengal & Ors.

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

Ms. Chaitali Bhattacharya
.....for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

All twelve writ petitioners herein claims to be similarly situated to the writ petitioners in whose respect an order was passed by this Court on 11th November, 2021 in WPA 9841 of 2021. This is the submissions of learned counsel appearing for the petitioners.

The only prayer sought for at this stage is for the consideration of the representation made by the petitioners on 15th January, 2021 by the Director of Madrasah Education who is respondent no.2 herein. The basis of such prayer is an order of Division Bench of this Court dated 27th January, 2020 in which the Division Bench was of the view

that the concerned department would determine that the petitioners are entitled to any interim order in the meantime.

The Supreme Court in a challenge from the said order held that all nominations made by the Commission under the provisions of the Commission Act would be valid and operative and that the Commission would be entitled to select and nominate teachers to various Madrasahs under the provisions of the Commission Act and the relevant Rules framed thereunder.

The State is represented.

Upon hearing learned counsel, this Court is of the view that the representation made by the petitioners shall be considered by the respondent no.2 upon hearing all concerned parties and the respondent no.2 shall pass a reasoned order which shall be furnished to the petitioners within a week from date on which such reasoned order is passed. The respondent no.2 shall also be at liberty to ascertain as to whether the petitioners in the present writ petition stand on the same footing as the petitioners in WPA 9841 of 2021, as claimed by the petitioners herein.

It is also made clear that if the petitioners are found to be eligible, the concerned authorities

shall take steps to appoint the petitioners in the posts.

Needles to say, the respondent no. 2 shall take into account the orders passed by this Court as well as the Supreme Court and the relevant Rules in coming to its reasoned decision.

WPA 13255 of 2021 is disposed of in terms of above.

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

(Moushumi Bhattacharya, J.)