

03.12.2021
SL No.11
Court No.8
(gc)

**RVW 105 of 2021
With
CAN 1 of 2021
with
CAN 2 of 2021**

**Md. Sadique Alam & Anr.
Vs.
The Director of Madrasah Education
Government of West Bengal & Ors.**

(Via Video Conference)

Mr. Biswaroop Bhattacharya,
Mr. Golam Mohiuddin,
Ms. Puja Mondal,
...for the Petitioners.
Mr. Anirban Ray, Ld. G.P.,
Ms. Kakali Samajpati,
Mr. Avishek Prasad,
...for the State.

Re: CAN 1 of 2021

This is a Section 5 application seeking condonation of delay in preferring the appeal. We have seen the said application and the explanation offered in support of causing delay of 17 days in preferring the appeal. We are satisfied with the explanation offered and, accordingly, condone the delay in instituting the appeal.

The application being CAN 1 of 2021 is disposed of.

**Re: RVW 105 of 2021
With
CAN 2 of 2021**

On the undertaking that the deficit court fees be put in in course of the day, we entertain this application for review.

The review application is based on apprehension that the observations made by the Hon'ble Supreme Court by which upholding the constitutional validity of Sections 8,10,11 and 12 of the West Bengal Board of Madrasah Service Commission Act, 2008 that if after the disposal of the matters by the High Court any appointments are made by the concerned Madrasa, such appointments of teachers shall be deemed to be valid for all purposes and in deciding the matter, the authorities concerned may disregard such observation, is, in our view, cannot be a ground for review. We have directed the Secretary, Minority Affairs and Madrasah Education Department to do certain exercise before arriving at a decision with regard to the entitlement of the writ petitioners to the benefits as claimed by them. What criteria the authorities would take into consideration before deciding the said issue is for the said authority to decide and unless a final decision is taken, it would be preposterous on our part to make any observation with regard to the applicability of any observation made by the Hon'ble Supreme Court in the facts of the present case.

However, we have been informed that no final decision has been taken as yet by the Secretary, Minority Affairs and Madrasah Education Department pursuant to our order dated 27th January, 2020. However, Mr. Biswaroop Bhattacharya, learned Counsel appearing on behalf of the applicants submits that presumably due to

the pendency of the Special Leave Petition preferred by the applicants, the Secretary, Minority Affairs and Madrasah Education Department did not pass final order. Although the hearing had taken place.

Be that as it may, we direct the Secretary, Minority Affairs and Madrasah Education Department to conclude the proceedings and pass a reasoned order within four weeks from this date. The said direction is peremptory.

With the aforesaid direction, the review petition being RVW 105 of 2021 and the connected application being CAN 2 of 2021 stand disposed of.

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

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)