

24 30.09.2021
rkd Ct.05

W.P.A. 14853 of 2021
(Through Video Conference)

Chumki Katun @ Khatun & Ors.
-vs-
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
Ms. Sangita Banerje

....for the petitioner.

Mr. Nadeem Suliaman

...for the Board.

Sk. Md. Galib,
Ms. Subhra Nag

....for the State.

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

The writ petitioners have claimed to have been duly appointed in the posts of teaching 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 Ms. Pampa Dey (Dhabal), learned advocate is that in spite of appointment of the writ petitioners in the said posts till date the approval of appointments have not been accorded by the District Inspector of Schools (SE), Murshidabad,

being the respondent no.5. One letter has been written by the writ petitioner dated 15th February, 2021, at page 91 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.

Sk. Md. Galib, learned advocate appears on behalf 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 petitioners 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. Galib 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 School Education, West Bengal, being the respondent no. 2, to take decision on the representation of the writ petitioners dated 15th February, 2021, in accordance with law and if necessary upon placing reliance on the relevant

judgements 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.), Murshidabad or his authorized 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 shall be taken for appointment of the writ petitioners in the said post by the concerned respondent authorities and in the event of rejection of the prayer of the writ petitioners by the concerned authority, adequate reasons needs to be given in support of such rejection.

Since no affidavit has been called for the allegations contained in the writ petition are deemed not to have been admitted.

Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of the order,

if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)