

Item No.29

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

08.12.2021
Ct-24

WPA 16848 of 2021
Md. Nazrul Islam

v.

The State of West Bengal & Ors.

Mr. Prantik Ghosh
Mr. Siddhartha Sarkar
... for the petitioner.

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
... for the Madrasah Service Commission.

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

The petitioner claims that he was appointed in a Madrasah in accordance with the appointment letter issued in his favour on December 17, 2015.

The petitioner submits that his service is liable to be regularized in terms of the order passed by the Hon'ble Supreme Court in Civil Appeal No. 5808 of 2017.

The petitioner claims to have made a representation before the District Inspector of Schools (S.E.), Murshidabad through the Secretary of the Madrasah on September 2, 2021. The petitioner alleges

that the said representation has not been considered till date.

Though, the petitioner submits that the representation dated September 2, 2021 was served in the office of the District Inspector of Schools, however there is nothing on record in support of submission of the aforesaid document.

The learned advocate for the West Bengal Madrasah Service Commission submits that the appointment of the petitioner is a back-door appointment and the petitioner does not have any right of regularization of his service.

It appears from the submissions made on behalf of the parties that several matters were referred to the Director of Madrasah Education for taking a decision whether the appointments given in the period when the West Bengal Madrasah Service Act, 2008 was under challenge before this Court and the Hon'ble Supreme Court may be regularized or not.

Accordingly, the writ petition is disposed of by granting liberty to the petitioner to make a comprehensive representation along with all supporting documents to the Director of Madrasah Education.

In the event such a representation is made before the respondent no. 2 being the Director of Madrasah Education within ten days hereof, the same shall be

considered by the said respondent strictly in accordance with law, at the earliest, but positively within a period of four months from the date of communication of a copy of this order.

The Director of Madrasah Education shall call for the necessary records from the District Inspector of Schools (S.E.), Murshidabad as well as the concerned Madrasah prior to taking a decision in the matter.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

In the event, the Director of Madrasah Education is of the opinion that the petitioner is entitled to the relief as claimed for, then necessary consequential benefits shall be extended to the petitioner in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)