

14.12.2021
SL No. 20
Court No. 24
(P.M.)

WPA 17132 of 2021

Rubina Amin & Ors.
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Md. Ashraf Ali,
Mr. Rafikul Islam,
Ms. Sabnam Laskar
... for the petitioners

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

Mr. Nadeem Suleman,
... for Madrasah Board
Mr. Swapan Banerjee,
Mr. Sougata Mitra
... for the State

The writ petition has been filed by three petitioners by depositing only one court fees. The learned advocate-on-record of the petitioners is directed to deposit the deficit court fees by tomorrow (15.12.2021). In default, the order passed herein shall be restricted in respect of the petitioner No. 1 and writ petition shall be deemed to have been dismissed in respect of the others.

The petitioners pray for a direction upon the respondent No. 2 i.e. the Director of Madrasah Education to take a decision with regard to the approval of their appointment.

Fact remains that the petitioners were issued letter of appointment on 20th December, 2019 and

they joined the Madrasah on 28th December, 2019. The service of the petitioners has not been approved till date.

The Madrasah by a communication dated 31st December, 2019 forwarded all the necessary documents for approval of the service of the petitioners to the District Inspector of Schools, Howrah on 18th February, 2020. The same has not been considered by the District Inspector of Schools till date.

The petitioners rely upon an unreported order passed by a Co-ordinate Bench of this Court on 16th September, 2021 in WPA 13433 of 2021 wherein the Court directed the Director of Madrasah Education to take a decision with regard to the claim of the petitioners therein for approval of their service in the light of the judgment passed by the Hon'ble Supreme Court in the matter of Sk. Md. Rafique vs. Managing Committee, Contai Rahamania High Madrasah & Anr. on 17th May, 2018 in Civil Appeal No. 5808 of 2017 reported in (2020) 6 SCC 689.

The respondent authorities rely upon an unreported order dated 8th December, 2021 passed by a learned Single Judge of this Court in WPA 16848 of 2021 (Md. Nazrul Islam – vs – The State of West Bengal & Ors.) wherein under similar circumstances

the Court directed the Director of Madrasah Education to consider the representation filed by the petitioners along with all supporting documents.

As it appears that the prayer of the petitioners is similar to the orders referred to herein above accordingly the instant writ petition is disposed of by granting leave to the petitioners to file comprehensive representation along with all supporting documents within a period of ten days hereof to the Director of Madrasah Education.

In the event such a representation is made by the petitioners, then the respondent No. 2 shall consider the same strictly in accordance with law, in the light of the observations made by the Hon'ble Supreme Court in the matter of Sk. Md. Rafique (supra) 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, if required, may call for the necessary records from the District Inspector of Schools (Secondary Education), Howrah 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 petitioners immediately thereafter.

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

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)