

20.12.2021
SL No. 40
Court No. 24
(P.M)

WPA 18300 of 2021

**Fazlul Haque Mollick
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Sarwar Jahan,
Mr. Moidul Islam
... for the petitioner.

Mr. Nadeem Sulaiman
... for Madrasah Board

Sk. Md. Galib,
Ms. Subhra Nag
... for the State

The petitioner submits that he was appointed by the Secretary of the Hasnecha Islamia Siddiquia Senior Madrasah by a formal appointment letter dated 8th December, 2015. The petitioner joined the Madrasah on 9th December, 2015 and is working there till date.

The grievance of the petitioner is that his service has not been approved by the competent authority. The petitioner prays that his case may be taken up for consideration by the District Inspector of Schools, Secondary Education, South 24 Parganas in terms of the order passed by the Hon'ble Supreme Court in Civil Appeal No. 5808 of 2017 (Sk. Md. Rafique – vs –

Managing Committee, Contai Rahamania High Madrasah) reported in 2020(6) SCC 689.

It appears that the Hon'ble Division Bench of this Court by an order dated 27th January, 2020 passed in MAT No. 1676 of 2019 with CAN 11555 of 2019 (The Director of Madrasah Education, Government of West Bengal – Vs – Md. Irfan Razi Ansari & Ors.) was pleased to direct Minority Affairs and Madrasah Education Department to ascertain whether the petitioners were working and possessing the required qualification in terms of the notification dated 3rd March, 2016. The Court directed that in the event the writ petitioners fulfilled the required criteria then the authority should decide the issue regarding the payment of their salary.

In the instant case, the petitioner claims to have been serving in the Madrasah on and from December, 2015. Service of the petitioner is yet to be approved.

It appears that the Madrasah is not taking any steps for forwarding the documents of the petitioner seeking approval of his service.

Accordingly, the District Inspector of Schools, Secondary Education, South 24 Parganas is directed to call for the necessary records of the petitioner from the Madrasah in question and thereafter forward the same to the Minority Affairs and Madrasah Education

Department for taking a decision with regard to the approval of the service of the petitioner and for payment of his arrear dues.

The District Inspector of Schools shall take all efforts to ensure that the documents of the petitioner are collected from the Madrasah and forwarded to the Minority Affairs and Madrasah Education Department positively within a period of ten weeks from the date of communication of a copy of this order.

Minority Affairs and Madrasah Education Department shall take a decision strictly in accordance with law with regard to the prayer of the petitioner for approval and release of all arrear salaries, at the earliest, but positively within a period of six weeks from the date of receipt of all documents from the District Inspector of Schools.

The Secretary, Minority Affairs and Madrasah Education Department shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)