

04.03.2021
(S/L-80)
Ct.-18
(Susanta)

(Via Video Conference)

W.P.A. 18835 of 2014

Golam Mahiuddin

-Vs-

The State of West Bengal & Ors.

Mr. Sumit Roy,

..... For the Petitioner.

Mr. Subhabrata Das,

..... For the Respondent No.7.

Leave is granted to the learned advocate for the petitioner to correct the date of the impugned order in the prayer portion of the petition.

The petitioner in an earlier writ petition being W.P. No. 18436(W) of 2013 challenged the appointment of the respondent no. 7 in the post of an Assistant Teacher in Arabic language at Kazi Nawab Ali Junior High Madrasah, District. Jalpaiguri on the ground that he possesses the qualification Fazil which is far less a qualification than MM/Kamil the requisite qualification to hold the post of teacher in Arabic language in terms of Notification bearing No. 1040-MD dated April 17, 2008.

The said writ petition was disposed of by the order dated July 11, 2013 by directing the District Officer, Minority Affairs, Minority Cell Jalpaiguri, the respondent no. 4 to the said writ

petition to take a decision with regard to the validity of the approval of the appointment of the respondent no. 7 by passing a reasoned order.

The Officer-in-Charge, Minority Cell, Jalpaiguri by the order bearing No. 104-A/MDA dated March 31, 2014 has delivered his decision which is under challenge in the present writ petition.

In the impugned order it has been held that in terms of the Notification bearing No. 1040-MD dated April 17, 2008 the required qualification to hold the post of Assistant Teacher in Arabic was MM/Kamil but by a subsequent notification bearing No. 1040-MD dated April 17, 2008 the minimum qualification to hold the said post is Fazil which the respondent no. 7 possesses.

This Court finds that subsequent notification is in supersession of the earlier notification as such there is no irregularity in the approval of the appointment of the respondent no. 7 in the said post.

The learned advocate for the petitioner sought to impeach the appointment of the respondent no. 7 on the ground that his name was not in the First D.L.I.T report.

In view of the specific direction passed in the earlier writ petition to take a decision on the validity of the appointment of the respondent no.

7 on the ground of his lack of required qualification, the scope of inquiry was limited.

It is not open to the petitioner now to urge other ground of challenge to the approval of the appointment of respondent no. 7.

This Court, therefore, does not find any irregularity and/or illegality in the order impugned warranting interference,

The writ petition being W.P.A. 18835 of 2014 is dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)