

22.01.2021  
(S/L-13)  
Ct.-18  
(Susanta)

W.P.A. 8728 of 2020

Md. Azad Hossain & Anr.  
-Vs-  
The State of West Bengal & Ors.

Mr. Golam Mastafa,  
Mr. Samirul Sardar,  
..... For the Petitioners.

Mr. Susanta Pal,  
Mr. Debabrata Mondal,  
..... For the State respondents.

The petitioners are Sikha Samprasarak of  
Haldibari Madrasah Miftahul Tajvidul Quran  
Madrasah Siksha Kendra (MSK).

The Nodal Officer-cum-District Officer,  
Minority Affairs, Uttar Dinajpur, the respondent  
no. 4 herein by the Memo Bearing No. 113 dated  
February 6, 2018 accorded the approval of the  
petitioners w.e.f from September 01, 2017 to get  
honorarium in accordance with the approved rate  
of Government.

The Additional District Magistrate  
(Development), Uttar Dinajpur, the respondent  
no. 5 herein by the Memo No. 787/MA&ME and  
Memo No. 788/MA&ME both dated September,  
24, 2018 declared the aforementioned Memo  
bearing No. 113/MA&ME dated February 06,  
2018 as null and void on account of  
contravention of existing guideline.

The petitioners challenged the said Memo No. 787/MA&ME and Memo No. 788/MA&ME both dated September 24, 2018 in W.P 11176(W) of 2019.

The said writ petition was disposed of by granting liberty to the petitioners to file a detailed representation ventilating their grievances before the Secretary Minority Affairs & Madrasah Education Deptt., Government of West Bengal and the said authority was directed to consider and dispose of the same in accordance with law by a reasoned order upon hearing the petitioners and other concerned parties within a period of six weeks from the date of receipt of the representation from the petitioners.

The petitioners pursuant to the aforesaid order passed in the said writ petition submitted representation dated February 12, 2019 which has been rejected by the Additional Secretary to the Government of West Bengal by the order impugned in the present writ petition bearing Memo No.684-MD/O/5M-81/2019 dated March 20, 2020.

The Additional Secretary in the order impugned has held that Memo dated February 06, 2018 whereby the approval of the petitioner to get honorarium in accordance with the approved rate of Government was accorded is

based on the G.O. No. 1982-MD/O/2M-08/17 dated September 20, 2017 which mandates that approval of the existing staff may be made w.e.f. September 01, 2017 if their names were recorded in the first DLIT report but the names of the petitioners since do not find place in the said first DLIT report they are not entitled to the said approval.

The mandate of the existing guideline for the said approval is that the names of the incumbent desiring such approval must find place in the first DLIT report, the petitioners sans qualifying the said requirement are not entitled to get the approval as prayed for.

This Court, therefore, does not find any illegality in the order impugned warranting interference.

The Additional Secretary to the Government of West Bengal in the order impugned has suggested a policy decision to accommodate the incumbents whose names are appearing in the second DLIT report for such approval. Mr. Golam Mastafa, learned advocate for the petitioners drawing my attention to the said submits that if such a policy decision is taken the petitioners may be granted liberty to avail the said opportunity.

The petitioners if otherwise eligible are always entitled to take the benefit of any policy decision that may be taken by the Government in this regard, as suggested in the order impugned.

The writ petition being WPA 8728 of 2020 is disposed of with the above observations.

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.)