

08.02.2021
SL No.6
Court No.12
(gc)

**MAT 749 of 2020
With
CAN 1 of 2020**

**The Secretary, Abdul Mannan High Madrasah,
Bhagabangola
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Anjan Dutta,
...for the Appellant.
Mr. Kamalesh Bhattacharya, Sr.adv.,
Mr. Ashoke Kumar Nath,
...for the Writ petitioner/
Respondent No.11.
Mr. Tapan Kumar Mukherjee, Ld. A.G.P.,
Mr. Shamim Ul Bari,
...for the State.
Mr. Prasenjit Mukherjee,
Mr. Nirmalya Kr. Das,
Ms. Madhurima Sarkar,
...for the Madrasah Commission.

By consent of the parties the appeal and the application are treated as on the day's list and disposed of by this common order.

The appeal is at the instance of the Secretary, Abdul Mannan High Madrasah. It is curious that the Secretary has preferred an appeal as we feel that the Secretary is bound to obey the order passed by the Secretary, West Bengal Madrasah Service Commission on 20th February, 2020 directing transfer of the writ petitioner from D.B.S. High Madrasah (HS), Murshidabad to Abdul Mannan High Madrasah, Kalukhalia, Bhagabangola, Murshidabad District as Headmaster. The order dated 20th February, 2020 has not been challenged by any one. The appellant in

disobedience to the order dated 20th February, 2020 did not permit the writ petitioner to join the institution. Against this refusal by the present appellant to allow the writ petitioner to join the said Madrasah as Headmaster a writ petition was filed in which the impugned order is passed. The learned Single Judge relying upon the order dated 20th February, 2020 passed by the Secretary, West Bengal Madrasah Service Commission allowing such transfer as noted above and taking note of the fact that the said order of transfer is not under challenge has allowed the writ petition by directing the Madrasah concerned to take immediate steps to comply all the necessary formalities for engagement of the petitioner as Headmaster and issue necessary letter of joining in his favour so that he can immediately take charges as the Headmaster of the said Madrasah in terms of the aforesaid transfer order.

Under such circumstances, we do not find any reason to interfere with the order under challenge.

The appeal being MAT 749 of 2020 and the stay application being CAN 1 of 2020, accordingly, stand dismissed.

We direct the said Madrasah to immediately implement the order dated 20th February, 2020.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)