

14
06.04.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 2141 of 2022

**Md. Muktar Ansary
-versus
State of West Bengal & Ors.**

**Mr. Partha Bhattacharya,
Mr. Falguni Bandyopadhyay,
Mr. Raju Bhattacharya,
Mr. Arunavo Maity,
Ms. Sreetama Neogi,
Ms. Riya Ballav.
...For the Petitioner.**

**Mr. Sk. Md. Galib,
Ms. Subhra Nag.
...For the State.**

**Mr. Nadeem Sulaiman,
Ms. Sunita Guha.
...For Madrasah Board.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner claims to be an organizing teacher of Madhuban Kapasgora Islamia Junior High Madrasah.

According to the petitioner, letter of appointment was issued in his favour by the headmaster of the said Madrasah way back in the year 2004.

The petitioner has annexed document to the writ petition to show that his name was in the list of teachers of the Madrasah as late as in the year 2021.

The petitioner seeks benefit of the order passed by the Secretary, Minority Affairs and Madrasah Education Department dated 14th February, 2021.

According to the petitioner, the Madrasah has presently stuck off his name from the rolls of the Madrasah and has incorporated the name of the private respondent, Ruksana Khatun in that place.

The petitioner immediately raised a grievance before the respondent authorities in November 2021 praying for getting the honorarium in his Bank Account in terms of the Government Order dated 14th February, 2021. No response has been made on receipt of the representation from the petitioner.

None appears on behalf of either the Madrasah or the private respondent.

Learned advocate appearing for the State respondents opposes the prayer of the petitioner.

It has been submitted that it is not clear whether the petitioner was appointed in the manner as prescribed in the rules.

Till the petitioner is able to prove that he was appointed in accordance with law, he will not be entitled to the benefit of the aforesaid Government Order.

I have heard the submissions made on behalf of both the parties.

It appears from records that the petitioner's name indeed appears in the list of teachers of the Madrasah till 2021. It is not clear as to how all on a sudden the name of the petitioner could be deleted from the rolls and the name of the private respondent be incorporated

therein, that too, without giving any prior notice or opportunity of hearing to the petitioner herein.

Whether the deletion and the subsequent addition of the names of the teacher were at all permissible or be done in accordance with law has to be decided by the competent authority.

In view of the above, leave is granted to the petitioner to make a comprehensive representation annexing all documents in support of his claim before the Secretary, West Bengal Board of Madrasah Education within a fortnight from date.

In the event such a representation is made before the Secretary, West Bengal Board of Madrasah Education being the respondent No.5 herein, then necessary steps shall be taken by the aforesaid respondent to consider the representation filed by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties i.e. the petitioner, Madrasah and the private respondent. The said respondent shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

Steps shall be taken to dispose of the representation at the earliest, but positively within a period of three months from the date of filing of the representation by the petitioner.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)