

12.04.2022
SL No. 39
Court No. 24
(P.M)

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

WPA 4825 of 2022

**Mir Serajul Islam
Vs
The State of West Bengal & Ors.**

Mr. Sk. Jayed Hossain
... for the petitioner .

Mr. Supriyo Chattopdhyay,
Mr. Suman Dey]
... for the State

The petitioner was appointed as an organizing clerk of Mukhya Siksha Samprasarak Talnanna Madrasah Siksha Kendra.

The District Level Inspection Team inspected the Madrasah in the year 2008. The name of the petitioner figures in the report of the DLIT. The Madrasah was approved as a Madrasah Siksha Kendra in the year 2010 and the service of the staff of the Madrasah were approved from the year 2011–2012.

The service of the petitioner was not approved as he did not attain the age of 25 years on the date of his appointment.

The petitioner has relied upon a memo issued by the Minority Affairs and Madrasah

Education Department on 11th September, 2017 whereby the Department has decided to approve the appointment of the organizing non-teaching staff with effect from 1st September, 2017 in relaxation of certain provisions which were there in the Departmental Memo dated 12th February, 2009 read with the Departmental Memo dated 26th October, 2010, provided the candidates fulfill all necessary criteria.

In response to a communication made by the Director of Madrasah Education to the District Officer, Minority Affairs/Officer-in-Charge, Minority Affairs of all districts, the documents of the petitioner was forwarded to the Officer-in-Charge of the Minority Affairs Department on 25th September, 2017.

The petitioner thereafter made representations to the Department on several occasions praying for approval of his service. None of the representations have been considered till date.

The petitioner prays for granting approval of his service in accordance with the memo of the Department dated 11th September, 2017.

As it appears that the case of the petitioner is pending consideration for approval before the Minority Affairs and Madrasah Education Department accordingly, the instant writ petition is disposed of by directing the respondent No. 3 being the District Inspector of Minority Affairs, Purba Medinipur to take a decision with regard to the prayer of the petitioner for approval of his service in accordance with the Departmental Memo dated 11th September, 2017.

Decision shall be taken within a period of eight weeks from the date of communication of a copy of this order and the reasoned order be communicated to the petitioner immediately thereafter.

The petitioner is directed to forward all supporting documents to the aforesaid respondents at the time of communicating the order passed by the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)