

Item No. 9

26.04.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 4839 of 2022
Iftakhar Islam
v.
The State of West Bengal & Ors.

Mr. Kishor Mukherjee
Mr. Golam Mohiuddin
Ms. Puja Mondal
... for the petitioner.

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
... for the State.

Mr. Prosenjit Mukherjee
Ms. Modhurima Sarkar
... for the Madrasah Service Commission.

The petitioner participated in the selection process of 7th SLST (HM/Super), 2020 for the post of Headmaster. He was selected and was ranked 141 in the panel for the post of Headmaster.

In the counselling process the petitioner opted to join Islampur DUFG High Madrasah. As the said Madrasah was located approximately 50 kilometers away from his residence, he later on chose not to join the said Madrasah.

Thereafter, the petitioner gathered information that the candidate who was recommended for joining in the Noorpur High Madrasah did not join and the post of

Headmaster in Noorpur High Madrasah is vacant. As the petitioner was ranked lower in the panel at the time of counselling, he did not have any scope to opt for Noorpur High Madrasah.

After getting information that the post of Headmaster is still vacant in Noorpur High Madrasah, he made an application before the Secretary, West Bengal Madrasah Service Commission on January 18, 2022 requesting him to recommend his name for Noorpur High Madrasah. The petitioner alleges that his representation has not been considered till date.

Learned advocate representing the Madrasah Service Commission submits, upon instruction that, re-counselling process for the waitlisted candidates for the posts in which the recommended candidates did not join will start from May 1, 2022. It has been admitted that the petitioner did not get a chance to put his option in favour of Noorpur High Madrasah as he was placed at a lower rank in the panel.

It has also been admitted that the post of Headmaster is lying vacant in Noorpur High Madrasah due to non-joining of the recommended candidate.

It appears that the petitioner is a selected candidate and he could not join his recommended Madrasah due to the far away distance at which it is located. The petitioner intends to join Noorpur High

Madrasah which is closer to his residence and the recommended candidate for Noorpur High Madrasah has not joined till date.

In view of the above, the instant writ petition is disposed of by directing the Secretary, West Bengal Madrasah Service Commission to take steps to consider the representation filed by the petitioner on January 18, 2022 strictly in accordance with law, at the earliest, but positively prior to or during the process of re-counselling for the vacant posts of Headmaster of different Madrasahs.

The petitioner shall be intimated the fate of his representation immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)