

Item No.114

20.04.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5276 of 2022
Mahammad Sajem Ali
v.
The State of West Bengal & Ors.

Mr. Mritunjay Chatterjee
Md. G.N. Imrohi
... for the petitioner.

Mr. Razzak Hossain
... for the respondent no. 5 & 6.

The petitioner was appointed as Assistant Teacher of Nowdapara Al-Hilal Jr. High Madrasah in April 2009.

According to the petitioner he is in service till date except for the period December 4, 2019 till July 2021.

The Madrasah was recognized in the year 2021.

As the petitioner remained absent for the aforesaid period, the Madrasah refused to pay the remuneration to the petitioner. The petitioner is aggrieved by the same. He filed a representation before the Director of Madrasah Education in December 2021 with a prayer for grant of remuneration to him.

Learned advocate representing the Madrasah submits upon instruction that the petitioner remained absent from August 2018 and he has not joined the Madrasah till date. A show cause notice was served upon the petitioner on account of unauthorized absence.

The petitioner did not reply to the said show cause notice.

According to the Madrasah, there is gross suppression of material fact in the present writ petition.

None appears on behalf of the State respondents despite service.

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

As it appears that there are disputed questions of facts involved in the instant writ petition with regard to the period of absence of the petitioner in the said Madrasah, and the petitioner has annexed documents to the writ petition to show that the Madrasah permitted him to rejoin the institution in July 2021, and he is serving in the said institution till date, accordingly, the Court thinks it fit to direct the Director of Madrasah Education being the respondent no. 2 to take a decision with regard to the prayer of the petitioner for grant of remuneration in his favour from the fund that is allotted in favour of the Madrasah.

The Director of Madrasah Education shall decide the issue after giving an opportunity of hearing to the petitioner as well as the representative(s) of the Madrasah and thereafter take a decision with regard to the prayer of the petitioner for payment of honourarium.

The Director of Madrasah Education shall decide the issue within a period of ninety days from the date of communication of a copy of this order and shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward all the documents in support of his claim that he is in service of the Madrasah from the year 2009 till date to the aforesaid respondent, at the time of communicating the order passed by this Court.

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.)