

28
28.03.2022
s.h.

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

W.P.A 7270 of 2021

**Sk. Hasan Imam
-versus
The State of West Bengal & Ors.**

**Mr. Kazi Sajjad Alam
...For the Petitioner.**

**Mr. Arkadipto Sengupta
... for the respondent nos. 5 & 6.**

The petitioner was a teacher of the Madrasah. He was given letter of appointment by the Madrasah in December 2007 and he claims to be in service from December 2007 onwards.

The petitioner submits that due to his ill health he was absent from service on and from September 30, 2019. A show cause notice was issued to the petitioner by the Secretary of the said Madrasah on January 7, 2021. The petitioner claims to have replied to the said show cause notice by a communication dated January 19, 2021 which was sent through post on January 20, 2021 and was received by the addressee on February 2, 2021.

In the meantime, the Secretary of the Madrasah issued the letter of termination on January 20, 2021.

Being aggrieved by the said letter of termination, the petitioner sent a legal representation before the respondent authorities including the Madrasah on February 6, 2021.

In reply to the said legal representation a legal representation in reply was sent to the petitioner on behalf of the Madrasah authority.

The petitioner thereafter forwarded further representation to the Secretary, West Bengal Board of Madrasah Education and to the Directorate of Madrasah Education on March 1, 2021.

The petitioner alleges that the representation dated March 1, 2021 has not been considered either by the Board of Madrasah Education or the Directorate of Madrasah Education.

As it appears that the issue of approval of the termination of service of the petitioner is pending consideration before the Board of Madrasah Education and the petitioner has made a representation before the Board of Madrasah Education on March 1, 2021, which he claims not have been considered by the said authority, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Secretary, West Bengal Board of Madrasah

Education being the respondent no. 4 herein to consider the representation filed by the petitioner on March 1, 2021, strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter. The said respondent shall afford a reasonable opportunity of hearing to all the necessary parties prior to taking a decision in the matter.

The petitioner is directed to forward a copy of the representation dated March 1, 2021 along with all other supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

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.

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

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

(Amrita Sinha, J.)