

Item No. 12

18.05.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7008 of 2022
Md. Mokhlesur Rahaman

v.

The State of West Bengal & Ors.

Mr. Syed Nurul Arefin
Mr. Rahul Singh
... for the petitioner.

Ms. Chaitali Bhattacharya
Ms. Sukla Das Chanda
... for the State.

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
... for MSC.

By an order dated May 11, 2022 the District Inspector of Schools (S.E.), Murshidabad was directed to verify the documents appearing at pages 25 and 26 of the writ petition with the head of the institution as to whether the signature of the Secretary of the institution is genuine or not.

Today instruction has been forwarded by the District Inspector of Schools (S.E.), Murshidabad to the learned advocate wherefrom it appears that the District Inspector of Schools personally contacted the Secretary and the Headmaster of the Madrasah with regard to their stand as to issuance of NOC in favour of the petitioner. In response to such request both the

Headmaster and the Secretary appeared in person and submitted their written depositions on May 13, 2022.

On scrutiny of such written declaration the District Inspector of Schools opined that the Secretary issued NOC in favour of the petitioner for filing application for general transfer in his personal capacity but the same was not ratified by any resolution of the Managing Committee.

The instruction for applying for general transfer as published by the West Bengal Madrasah Service Commission mentions that the application filed by the candidate is required to be authorized by the concerned Secretary/Administrator/Headmaster/Super/TIC of the Madrasah with their signatures and official seal.

In the present case, the signature of the Secretary is appearing in the application that has been filed by the petitioner.

It appears that because of the tussle between the Headmaster and the Secretary of the Madrasah the candidates who applied for online transfer are suffering for want of the NOC from the head of the institution.

As it appears that the Secretary did issue the NOC, accordingly, the Madrasah Service Commission shall take into account the candidature of the petitioner relying upon the application made by him online with the signature of the Secretary of the institution

appended to it. Necessary consequential steps shall be taken by the Commission and the petitioner be permitted to participate in the counselling process in respect of general transfer.

The writ petition stands disposed of.

The instruction provided by the District Inspector of Schools (S.E.), Murshidabad dated May 13, 2022 be retained with the records.

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.)