

56.
11.05.2022
S.D.

W.P.A. 7280 of 2022

Faiyaz Alam
Vs.
The State of West Bengal & Ors.

Md. Sarwar Jahan
Md. Asraful Huq
Mr. Maidul Islam Kayal

... For the Petitioner.

Mr. Bhaskar Prasad Vaisya, A.G.P.,
Mr. Ranjan Saha

...For the State.

The petitioner seeks approval of service. He was appointed as an organizing staff of Charbhaiya Para Madrasah presently known as Charbhaiya Para Shishu Siksha Kendra. The name of the petitioner appears in the D.L.I.T. report dated 10.06.2010 as well as in the second inspection report dated 09.03.2019.

It appears that though the other two staff of the said Shishu Siksha Kendra were approved by a Memo No. 1922-MD-O/2M-08/17 dated 29.09.2011, but the petitioner could not be approved as his engagement was after 31.12.2007.

The petitioner relies upon a Memo of the Minority Affairs and Madrasah Education Department dated 11.09.2017 regarding relaxation of age of candidates who

were appointed as organizing teaching and non-teaching staff of approved Madrasah Siksha Kendra/Madhyamik Siksha Kendra/Sishu Siksha Kendra and who are still continuing in service.

The petitioner is continuing in service and has attained the age of 25 years in the year 2017. The Madrasah forwarded a representation to the District Officer, Minority Affairs on 12.02.2018 praying for approval of the service of the petitioner. The same has not been considered till date. The petitioner claims that he is in service on and from 2010 till date without any break.

Learned advocate representing the State respondents submits that as the petitioner was under aged on the date the initial inspection was taken, accordingly, his service could not be approved.

It has been submitted that the petitioner attained 25 years which is the minimum age of appointment in Madrasah in the year 2017. It has further been submitted that the petitioner himself did not make any representation before the concerned authority seeking approval of his service.

After hearing the submissions made on behalf of the parties and upon perusing the documents annexed to the writ petition, it appears that the petitioner was appointed as an

organizer staff of the Madrasah in the year 2010 when he was below 25 years of age. In the year 2019 when the second inspection was conducted by the District Level Inspection Team, the petitioner attained the age of 25 years. Presently, the petitioner is eligible for appointment as a staff of the Shishu Siksha Kendra.

Accordingly, leave is granted to the petitioner to file a comprehensive representation annexing all documents in support of his claim for approval of service before the respondent no. 4 being the District Nodal Officer and Officer-in-Charge, District Minority Cell, Purulia.

In the event such representation is made, the same shall be considered by the said authority strictly in accordance with law in the light of the Memo. No. 1922-MD-O/2M-08/17, dated 11.09.2017 at the earliest, but positively within a period of 90 days from the date of communication of this order.

The aforesaid respondent is directed to grant an opportunity of hearing to the petitioner and all other necessary parties for taking a decision in the matter. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The writ petition stands disposed of.

There shall, however, be no order as to costs.

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

(Amrita Sinha, J.)