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20.05.2022
Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8037 of 2022

Md. Jafar Ali Mondal
Versus
The State of West Bengal & Ors.

Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Haque
... for the respondent no.6

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

The petitioner was appointed as Shiksha Samprasarks in Haraharia Madhyamik Sikha Kendra under the Minority Affiars & Madrasah Education Department on 01.04.1998. His service was approved by the District Officer, Minority Affairs & Nodal Officer, Madhyamik Shiksha Kendra, Birbhum with effect 2nd May, 2013.

The petitioner attained age of 60 years on 11th January, 2019. Even after attaining the age of 60 years, he is still in service for the sake of the institution.

The petitioner relies upon an order dated 24th July, 2019 issued by the Additional Secretary, Minority Affairs & Madrasah Education Department, which mentions that the State Government has decided to allow engagement of the Samprasarks under the

department up to 65 years of age at par with that allowed to similar category of staff of Madrasah Shiksha Kendra in 2010 subject to other condition as may be applicable. The said order was issued with concurrence of the Finance Department.

The petitioner alleges that after attaining the age of 65 years his remuneration has been stopped. He submits that on the basis of the aforesaid order dated 24th July, 2019, the petitioner is entitled to remain in service till he attains 65 years of age and he is entitled to all honorarium for the entire period.

The petitioner submitted representation before the District Officer, Minority Affairs and the Nodal Officer as well as before the Director of Madrasah Education praying for realising his honorarium and permitting him to continue service till he attains 65 years of age.

The petitioner submits that under similar circumstances, the Director of Madrasah Education passed order on 23rd March, 2022 being Memo No.325-ME allowing similarly situated candidates the benefit to remain engaged till 65 years of age along with the requisite honorarium.

The petitioner submits that his case may be considered accordingly.

As it appears that the Director of Madrasah Education in a similar case considered and allowed the

prayer of the petitioner the benefit to remain engaged till 65 years of age with regular honorarium, accordingly, the instant writ petition is disposed of by directing the Director, Madrasah Education, to consider the prayer of the petitioner for remaining engaged till he attains 65 years of age with honorarium.

The representation to the above was sent to the Director on 29th March, 2019 but the same is yet to be considered. The Director is directed to consider the representation filed by the petitioner on 29th March, 2019 at the earliest, but positively within a period of eight weeks from the date of communication of this order. The Director shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The learned advocate for the petitioner is directed to forward a copy of the representation filed by the petitioner on 29th March, 2019 along with copy of the order dated 24th July, 2019 issued by the Additional Secretary, Minority Affairs & Madrasah Education Department and copy of the order passed by the Director of Madrasah Education on 23rd March, 2022 being memo No.325-ME to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)