

WPA 10133 OF 2022

Lipy Yasmeen & Anr.

Vs.

State of West Bengal & Ors.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
Mr. Soumik Dey.

.... For the Petitioners

Ms. Sanghamitra Nandy
Mr. Rajaram Banerjee.

.... For the State

Mr. Nadeem Sulaiman

... For the Madrasah
Board

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar.

... For the Madrasah
Service Commission

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

From the writ petition it appears that there are two
writ petitioners but single court fee has been paid.
Subject to the payment of the *ad valorem* court fees by
the petitioners in course of tomorrow, this order shall be
effected.

A copy of the acknowledgement of payment of court
fee shall also be produced to Mr. Prosenjit Mukherjee,
learned counsel appearing for the respondent no.8.

The petitioners claim to be non-teaching staff of
**Kazi Nazrul Islam Junior High Madrasah, District –
Uttar Dinajpur** (for short ‘the madrasah’). The petitioners

seek approval for permanent non-teaching staff. The Recommendation Memo of the madrasah dated May 29, 2009, **Annexure-P5** to the writ petition speaks for itself as to the terms and conditions for such recommendation.

Mr. Mukherjee, learned counsel appearing for the respondent no.8 submits that these terms and conditions were accepted by the relevant madrasah and only thereupon the recommendation was granted.

The petitioners submit that challenging the said recommendation the petitioners filed an earlier writ petition as stated in paragraph 8 of this writ petition. Such writ petition was allowed to be withdrawn and was withdrawn on February 1, 2016 with a liberty to file afresh.

Be that as it may, the petitioners submit that they have submitted a representation dated May 18, 2022, **Annexure-P11** to the writ petition before the appropriate authorities and such representation has not yet received any consideration.

In view of the above, justice would be subserved if the respondent no.2 is directed to consider the said representation of the petitioners dated May 18, 2022, **Annexure-P11** to the writ petition after issuing a prior hearing notice of at least seven days to the petitioners and the respondent nos. 6 and 7 and upon giving an opportunity of hearing to them and then to pass a reasoned decision/order on the issue.

It is made clear that while considering the representation, the respondent no.2 shall also take into account the Memo dated May 29, 2009, **Annexure-P5** to the writ petition.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.2 within a period of eight weeks from the date of communication of this order upon giving an opportunity of hearing to the petitioners and the sixth and seventh respondents in accordance with law and passing a reasoned decision/order thereupon. The respondent nos. 6 and 7 may be represented through their authorised representative.

It is also made clear that this Court has not gone into merits of the claim of the writ petitioners in any manner. The writ petitioners and all the parties shall be at liberty to urge whatever points they wish to urge relying upon the documents they want to rely upon before the respondent no.2.

The respondent no.2 then communicate its reasoned decision/order to the petitioner and the sixth and seventh respondents within a further period of two weeks from the date of the said reasoned decision/order to be passed.

Since affidavits are not called for, the allegations in the writ petition are deemed not to be admitted by the respondents.

On the above terms this writ petition, **WPA 10133 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)