

Item No.23

19.01.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 19531 of 2021
Md. Monsur Ali
v.
State of West Bengal & Ors.

Md. Manuwar Ali
... for the petitioner.

Sk. Md. Galib
Ms. Subhra Nag
... for the State.

The petitioner seeks to be appointed as Assistant Superintendent of Kabilpur Darul Quoran Senior Madrasah (Fazil).

It appears from the submission made by the learned advocate representing the District Inspector of Schools (S.E.), Murshidabad that a prior permission for filling up the post of Assistant Superintendent was issued in the year 2012, whereas the selection process for the said post was conducted in the year 2016, that is after lapse of four years from the date of issuance of the prior permission.

The District Inspector of Schools forwarded the panel which was prepared to the Director of Madrasah Education, West Bengal vide Memo No. 509-H dated November 29, 2017.

It is the submission made on behalf of both the parties that the matter is pending consideration at the end of the Director of Madrasah Education till date.

Admittedly, the power to approve the panel for appointment of Assistant Superintendent lies with the District Inspector of Schools but it appears from the instruction that the panel was forwarded to the Director of Madrasah Education as the panel in question was prepared after lapse of four years from the date of issuance of the prior permission order.

As it appears that presently the matter is pending before the Director of Madrasah Education for a considerable period of time, accordingly the instant writ petition is disposed of by directing the Director of Madrasah Education, being the respondent no. 3 herein, to take a decision with the panel which was forwarded by the District Inspector of Schools (S.E.), Murshidabad for appointment as Assistant Superintendent of the Madrasah strictly in accordance with law, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The said respondent, if required, may afford an opportunity of hearing to all the necessary parties prior to passing an order.

The said respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The writ petition stands disposed of.

The instruction given by the District Inspector of Schools (S.E.), Murshidabad dated December 10, 2021 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.

Sh

(Amrita Sinha, J.)