

Court No. 22  
**08.9.2022**  
(Item No. 36)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 18927 of 2022**

Sk. Hasan Imam  
VS  
The State of West Bengal & Ors.

Mr. K. S. Alam  
..... for the petitioner  
Mr. Anubrata Santra  
Mr. Md. Galib  
..... For the State  
Mr. Nadeem Sulaiman  
..... for the Madrasah Board  
Mr. Arkadipta Sengupta  
Mr. Arup Kumar Roy  
Mr. Deepankar Thakur  
..... for respondent No. 7

The petitioner was a Teacher of Madrasah. He was given letter of appointment by the Madrasah in December, 2007. The petitioner was then served with a letter of termination dated January 20, 2021 by the Secretary of the Madrasah.

Challenging the said letter of termination the petitioner ventilated his grievance in the previous round of writ litigation, **WPA 7270 of 2021**. The said previous writ petition was disposed of by a co-ordinate Bench by its order dated March 28, 2022, when the Secretary, West Bengal Board of Madrasah Education was directed to pass a reasoned order on the grievance of the petitioner.

Pursuant to the said order and in terms of the said direction, the reasoned order dated June 8, 2022 was passed. The decision from the said reasoned order is quoted below:

**“DECISION WITH REASON**

***After taking into consideration the submissions, rival contentions and documents placed before this Board by all parties concerned, it appears as follows:***

- 1. That the petitioner Sk. Hasan Imam has been an Assistant Teacher of Pole Hasnatiya Senior Madrasah and was working as an Assistant Teacher since 10.12.2007 is apparent from the DLIT Report dated 10.09.2012 on the basis of which the Board granted recognition to the said Madrasah in 2013.***
- 2. It is the petitioner’s contention that he was in regular duty as a teacher for eleven years, he was suffering from viral hepatitis because of which he was absent from his duties briefly for six months since October 2019 till March 2020, thereafter due to the ongoing pandemic situation he was unable to join.***
- 3. That the Madrasah authority had issued letters seeking explanations from the petitioner dated 07.01.2021 and again on 13.01.2021 within 6 days interval is not as per provision mentioned in the rules as stated above.***
- 4. Appointment of Tammanna Parvin in the place of Sk. Hasan Imam is liable to be brought under legal purview. Any appointment in an unaided Madrasah by the Committee shall be subject to the approval of the Board, was not followed in this matter.***
- 5. No approval either for the termination of Sk. Hasan Imam or any approval for the appointment of Tammanna Parvin was sought from this Board.***
- 6. The Madrasah Authority has failed to establish their stand on how the petitioner’s name was removed and one named Tammanna Parvin was appointment in his place without following the due process of law as clearly mentioned in the Management of Recognised Non-Government Madrasahs***

***(Aided and Unaided) Rules, 2002 as stated above.***

**ORDER**

***After considering all aspects, facets of submissions of all the parties and upon considering all the documents submitted, it is ordered and declared that the termination of Sk. Hasan Imam was not done in accordance to the prescribed rules. His termination notice issued by the Managing Committee of Pole Hasnatiya Senior Madrasah is set aside. The appointment of one named Tammanna Parvin in the post of Assistant Teacher of science in the place of Sk. Hasan Imam is also declared as illegal and therefore set aside accordingly.***

***Thus the matter disposed of. All the concerned may accordingly be informed.”***

In the instant writ petition the petitioner claims that despite the said reasoned order being passed on June 8, 2022 the same has not been given effect and the employment of the petitioner was not reinstated.

Mr. Arkadipta Sengupta, learned advocate appearing for the respondent Nos. 6 & 7 submits that, there were several suppression of facts on the part of the petitioner and the petitioner did not disclose the correct affair of the situation.

In reply to the query made by this Court the learned counsel appearing for the respondent Nos. 6 & 7 submitted that, his client has not challenged the said reasoned order dated June 8, 2022.

Upon hearing the learned counsel for the appearing parties and on perusal of the materials on

record, this Court is of the firm opinion that, it is the bounden duty of the respondent Nos. 6 & 7 to give effect to the said reasoned order dated June 8, 2022 forthwith without causing any further delay and to give all the benefits, monetary and all other benefits allied thereto attached with the said employment including the arrears for the period of such illegal and unauthorized termination. In so far as the contention of the learned counsel for the respondent Nos. 6 & 7 as recorded above, the same are devoid of any merit as he had opportunity to raise all these questions at the relevant points of time.

On a close scrutiny of the said impugned order dated June 8, 2022, it appears to this Court that, the same is well reasoned, well versed and well considered. There is no infirmity in the same either on fact or in law.

In view of the above, the respondent Nos. 6 & 7 are directed to carry out and give effect to the said **reasoned order dated June 8, 2022, Annexure P-13** to the writ petition immediately and positively within a period of four weeks from the date of communication of this order in every respect.

On the above terms, this writ petition being **WPA 18927 of 2022** stands allowed.

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

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Aniruddha Roy, J.)**