

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 20645 of 2021
(Via Video Conference)**

**Md. Shamim
-versus
State of West Bengal & Ors.**

**Mr. Md. Sarwar Jahan,
Mr. Sk. Nayeemul Haque.
...For the Petitioner.**

**Mr. Prosenjit Mukherjee,
Mr. Saptarshi Chakraborty,
Mr. Arghya Kamal Das.
...For the Respondent Nos.
8 and 9.**

**Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
...For the State.**

The petitioner claims to have been appointed as an assistant teacher (History) in the Tetulia Hazi Iman Hossain Junior High Madrasah on 15th March, 2017 as per the resolution of the Managing Committee of the said Madrasah dated 13th March, 2017.

The petitioner claims that the Teacher-in-Charge of the said Madrasah took steps for upgrading the qualification of the petitioner and accordingly, the petitioner got himself admitted in the National Institute of Open Schooling to obtain the Diploma in Elementary Education in the session 2017-2019.

The petitioner submits that even though he is regularly attending the school and signing the

Attendance Register of the said Madrasah but he has not been paid any salary or honorarium for the service rendered by him.

The petitioner has made a representation before the Director of Madrasah Education to take steps in the matter.

The petitioner's grievance is that the representation filed by him on 7th December, 2021 before the Director has not been disposed of till date.

Learned advocate appearing for the Madrasah submits that the petitioner is not a teacher and never attended the said Madrasah. The District Level Inspection Team visited the Madrasah and panel was prepared by incorporating the names of the teachers who were present at the time of inspection. Upon submission of the documents from the DLIT, the Madrasah was recognized. The name of the petitioner does not appear in the DLIT report.

It appears from the submissions made on behalf of the parties that there are allegations and counter allegations against each other.

It is not open for the writ court to enter into such disputed questions of facts.

In view of the above, the Director of Madrasah Education being the respondent No.3 herein is directed to cause an inquiry and to ascertain as to whether the petitioner was at all appointed by the Managing Committee of the Madrasah to serve as an assistant teacher and whether the petitioner at all rendered service as assistant teacher of the said Madrasah.

After inquiry being conducted, the Director of Madrasah Education shall give proper opportunity of hearing to the petitioner as well as the representatives of the Madrasah. If required, the District Inspector of Schools (S.E.), Birbhum may also be requested to send his representative at the time of hearing.

The Director of Madrasah Education shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

The said respondent shall ensure that the inquiry is being conducted within a period of three months from the date of communication of a copy of this order and the reasoned order shall be passed within four weeks thereafter.

If the Director of Madrasah Education deems fit and proper, then steps may be taken for a discreet inquiry in the matter so that the truth in the allegations and counter allegations made by the parties may be revealed before the said authority.

Report in the form of affidavit filed by the Madrasah in Court today be taken on record.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)