

31.03.2023
Item no.66
Court No.22.
AB

WPA 2029 of 2023

Syed Mahabub Ali
Vs
The State of West Bengal & Others

Ms. Sangeeta Roy,
Mr. Sandeep Prosad Shaw,
Mr. Chandra Prokashfor the Petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Rupsa Chakrabortyfor the State.

At present, the petitioner is working as an Assistant Teacher at **Ampara Junior High Madrasah, District-Uttar Dinajpur**. The petitioner claimed approval of his employment. The petitioner contended that similarly placed persons had received their approval in accordance with law. After being travelled upto the Hon'ble Supreme Court they succeeded in all their cases.

In course of the argument of this matter, it was pointed out to this Court that at present, pursuant to the direction of the Hon'ble Supreme Court, a Committee has been formed presided over by a retired Hon'ble High Court Judge, which is in function and is empowered to decide this issue concerning approval of a teacher of Madrasahs. The said Committee carries out its functions from the West Bengal Board of

Madrasah Education office at Moulana Abul Kalam Azad, Kolkata.

In view of the above, the petitioner shall be at liberty to make a comprehensive representation, which shall be restricted to the case made out in this writ petition and not beyond that positively within a period of two weeks from date before the said Committee.

After receiving such comprehensive representation from the petitioner, the said Committee shall issue a prior hearing notice upon the petitioner and the respondent no.4 and then after hearing them shall pass a reasoned order on the issue strictly in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner and the relevant Madrasah Authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the said Committee, but shall not travel beyond the case made out in this writ petition.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is further made clear that, this order shall not create any equity or right in favour of the petitioner if the petitioner is not otherwise eligible to receive his

approval strictly in accordance with law. The entire exercise as directed above shall be carried out and completed by the said Committee as expeditiously as possible considering the interest of the petitioner.

On the above terms, this writ petition being **WPA 2029 of 2023** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Aniruddha Roy, J.)