

Item -8. 15-12-2023

sg Ct. 8

MAT 997 of 2022
CAN 1 of 2022
CAN 2 of 2022

Iftakhar Islam
Versus
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya, Adv.
Mr. Anindya Bose, Adv.
Mr. Golam Mihiuddin, Adv.
Mr. Mridul Biswas, Adv.
...for the appellant
Mr. Prosenjit Mukherjee, Adv.
Ms. Madhurima Sarkar, Adv.
...for Madrasah Service Commission
Mr. Bhaskar Prasad Vaisya, Id. AGP
Mr. Suman Dey, Adv.
...for the State

1. The report filed by the Commission explaining reason for non-consideration of the appellant for the post of Headmaster in the Noorpur High Madrasah is accepted and the same is taken on record.
2. Mr. Biswarup Bhattacharya, learned Counsel appearing on behalf of the appellant, however, submits that in view of the order dated 5th April, 2022 passed by the learned Single Judge in WPA 19748 of 2021 whereby the writ petition filed by Md. Eltutmis against the Ad hoc Managing Committee of Tulsipukur High Madrasah was dismissed for default and to the best of the knowledge of the appellant, the said writ petition has not been restored to its original file, the Commission may be asked to consider the willingness of Md. Azisul Hossain for being appointed as Headmaster of the said High Madrasah and thereafter to consider if the present appellant could be

considered for Noorpur High Madrasah.

3. We are not interfering with the reason furnished by the Commission in the report for not presently accepting the claim of Iftakhar Islam for Noorpur High Madrasah. By reason of recommendation of the Commission for appointment of Md. Azisul Hossain to the said school, it would be open for the Commission to find out the willingness of Md. Azisul Hossain to join Tulsipukur High Madrasah and to ascertain the views of the said school authorities. The present status of the litigation should also be ascertained from the school by the Madrasah Commission before taking any final decision. In the event Md. Azisul Hossain expresses his willingness to join Tulsipukur High Madrasah, then the candidature of Iftakhar Islam may be considered as a Headmaster in Noorpur High Madrasah subject to fulfillment of all requirements.
4. The impugned order is modified to the aforesaid extent.
5. The appeal and the applications, accordingly, stand disposed of in terms of the aforesaid order.
6. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)