

8 19.6.2023
Sc Ct. no.22

WPA 14543 OF 2016

Nabab Hossain & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Suprabhat Bhattacharyya
Ms. Sangeeta Roy,
Mr. Sandeep Prasad Shaw,
Ms. Monalisa Maity.

....For the Petitioner

Ms. Chaitali Bhattacharya

...For the State

Mr. Nadeem Sulaiman

....For the Madrasah
Board

This is a hearing matter.

Mr. Sandip Prasad Shaw, learned advocate appearing for the petitioners submitted that, despite directions for affidavits, the respondents chose not to file any affidavit-in-opposition.

Ms. Chaitali Bhattacharya, learned counsel appeared for the State respondents.

Mr. Nadeem Sulaiman, learned counsel appeared for the Madrasah Board.

Learned advocate for the petitioners submitted that, two petitioners have paid individual court fees as required under the law.

At present, the petitioners are working as Assistant Teachers at **Ampara Junior High Madrasah, District-Uttar Dinajpur**. The petitioners claimed approval of their employment. The petitioners 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 petitioners shall be at liberty to make their respective 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 representations from the petitioners, the said Committee shall issue a prior hearing notice upon the petitioners 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 petitioners in any manner and the petitioners 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.

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

The decision that will be taken by the committee as referred to above, shall supercede and prevail upon the impugned decision dated ***April 25, 2016, Annexure-P9 at page 55 to the writ petition*** and the said impugned order shall immediately lose its force.

On the above terms, this writ petition being **WPA 14543 of 2016** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)