

29 03.01.2023
Sc Ct. no.22

WPA 28082 OF 2022

Md. Muktar Ansary

Vs.

The State of West Bengal & Ors.

Mr. Falguni Bandyopadhyay
Ms. Riya Ballav.

....For the Petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka K. Nag.

.....For the State

Ms. Riya Ballav, learned advocate led by Mr. Falguni Bandyopadhyay, learned advocate appears for the writ petitioner.

Mr. Sirsanya Bandopadhyay, learned Junior Standing Counsel appears for the State.

Following a previous order of a coordinate Bench dated **April 6, 2022** the respondent no.5 had considered the issue after causing a detailed fact finding inquiry and the finding had gone in favour of the petitioner to the extent quoted below :

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ORDER

Considering all aspects, facts of submission of all the parties and upon considering all the documents submitted, it is finding of this Board that Md. Muktar Ansary is an Assistant Teacher in Bengali of Madhuban Kapasgora Islamia Junior High Madrasah, valid as per the Management Rules. It is also the finding of this Board that the private

respondent, Rukshana Khatun was illegally appointed to the post of Assistant Teacher in Bengali in the place of Md. Muktar Ansary. Thus Rukshana Khatun's appointment is declared illegal and set aside accordingly.

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

(emphasis supplied)

After the said finding there remains nothing except carrying out the ministerial job to allow the petitioner to take classes and allow him to receive all the allied benefits to which the petitioner is eligible strictly in accordance with law for rendering his service.

In view of the above, the respondent no.11 is directed to allow the petitioner to take classes at the relevant madrasah positively within a period of two weeks from the date of communication of this order without any fetter whatsoever.

The respondent no.4 upon receiving necessary communication in this regard from the respondent no.11 shall take all further and consequential steps in favour of the petitioner to which the petitioner shall be eligible strictly in accordance with law arising out of his service positively within a period of two weeks from the date of such communication to be made to the respondent no.4 by the respondent no.11.

The respondent no.11 shall issue the necessary communication in favour of the respondent no.4

positively within a period of 48 hours after the petitioner shall start taking classes at the relevant madrasah.

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

On the above terms, **WPA 28082 of 2022** stands ***disposed of*** without any order as to costs.

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

(Aniruddha Roy, J.)