

20.03.2024

(S/L-13)
Ct.-18
(P. Jana)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 4143 of 2024

Md. Asif Iqubal

-Vs-

The State of West Bengal & Ors.

Mr. Golam Mastafa,
Mr. Samirul Sardar,

.... For the Petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,

.... For the State.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The petitioner had a pending representation before the Director of Madrasah Education, Government of West Bengal, the respondent no. 2 herein, whereby he prayed for release of arrear honorarium as “Samprasarak” at Soukat Ali Memorial Madrasah Shiksha Kendra, Nadia.

The petitioner filed a writ petition being WPA 28750 of 2022 praying disposal of the said representation.

A Co-ordinate Bench of this Court by the order dated January 10, 2023 had directed the respondent no. 2 to consider and dispose of the said representation.

In compliance with the said direction, the respondent no. 2, by the impugned order dated June 05, 2023 has disposed of the said representation of

the petitioner thereby has rejected the said prayer of the petitioner with the following findings:

“After going through the records of this case it appears that this institution was converted as Saukat Ali Memorial Madrasah Shiksha Kendra, Nadia vide Memo No. 1268-ME dated 19.10.2010 w.e.f. 01.03.2010. It also appears from the Report of District Level Inspection Team dated 03.09.2008 that, the name of this petitioner was not recorded as teaching staff of the Institution which is a mandatory criteria for being approved as teaching staff of the institution in terms of the guideline as prescribed under 130-JS (MD)09 dated 15.12.2009.”

Mr. Golam Mastafa, learned counsel for the petitioner, submits that after long 14 years of service, the authority cannot re-open the issue of legality in the matter of appointment of the petitioner, he further submits that even if there is some irregularity in the said appointment, the authorities have acquiesced to it.

Ms. Chatterjee, learned counsel for the State, submits that the approval of appointment of the petitioner was accorded erroneously and as soon as it was detected, the same has been rectified.

Having heard the learned counsel for the parties and on perusal of the materials on record, it appears that the respondent no. 2, on scrutiny of the record has found that the name of the petitioner did not find place in the 1st District Level Inspection Report (DLIT) but overlooking it, the appointment of

the petitioner was approved and he was allowed continued in his service for a substantial period of time, merely because of such lapse, the authorities are not de-barred from rectifying its earlier mistake and to declare that the appointment of the petitioner was not in accordance with law.

The order impugned therefore does not call for any interference, WPA 4143 of 2024 is accordingly dismissed without any order as to costs.

Parties to act on the server of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)