

08.07.2024
Court No. 18
Item No. 52 (ML)
(Suvendu)

WPA 9701 of 2022

Afifa Khatun

-Versus-

State of West Bengal & Ors.

Mr. Md. Hosiar Rahaman

.....for the petitioner

Mr. Prasenjit Mukherjee

Ms. Madhurima Sarkar

...for the Madrasah Service Commission

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and the West Bengal Madrasah Service Commission.

The learned advocate representing the petitioner submits that though recommendation memo dated 15th December, 2021 was issued in favour of the petitioner being a selected candidate for the post of Headmistress based on the selection process namely 7th SLST (HM/ Super) 2020 she did not join the post of Headmistress in Krishnapur Junior High Madrasah, District -Paschim Medinipur as per the said recommendation. It has further been submitted that reason behind not joining the

post of Headmistress in the aforesaid Junior High Madrasah is the distance in between the said Madrasah and the place of residence of the petitioner.

Petitioner has made representation to the concerned authority of the Commission for her appointment in the post of Headmistress in a Madrasah which is nearby to her place of residence. Petitioner prays for consideration of such representation.

The prayer of the petitioner is opposed by the learned advocate representing the Commission on the ground that petitioner participated in the counseling held on 15th December, 2021 and she opted for being appointed as Headmistress in the aforesaid Madrasah. It has been submitted on behalf of the Commission that based on such option Commission issued recommendation memo dated 15th December, 2021. According to the Commission, petitioner in spite of issuance of appointment letter did not join the post within the stipulated time. Therefore, after expiry of time the petitioner does not possess right to be considered for the post of Headmistress in Madrasah.

Having considered the submissions made on behalf of the parties and taking note of the materials available on record, it appears that petitioner was a selected candidate based on 7th SLST (HM/Supr) 2020. Being a selected candidate she was permitted to participate in counseling held on 15th December, 2021, requiring the petitioner to join the post of Headmistress by 20th January, 2022.

In this regard, reliance is also placed on Rule 31 of the West Bengal Madrasah Service Commission Recruitment (Selection and Recommendation of persons for Appointment and Transfer to the Posts of Teacher and non-teaching Staff) Rules, 2010 wherein it has been provided that Commission is empowered to cancel or withdraw the recommendation in the event the candidate does not join the post as recommended within stipulated time.

In view of aforesaid facts, this Court refuses to interfere with the writ petition and the same is accordingly dismissed.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)