

21.11.2024
Item No.42
Ct. no. 551
S. Das

WPA 23970 of 2016

Suman Kalyan Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Sk. Nayeemul Haque

.... For the petitioner.

Mr. Pantu Deb Roy

Mr. Subrata Guha Biswas

.....for the State.

1. By filing the instant writ petition the writ petitioner has prayed for issuance of writ of mandamus for setting aside and/or quashing of the Memo no.267/MA & MED dated 25.08.2014, 189/MA & MED dated 21.04.2015, 294/MA & MED dated 21.07.2016 with a further prayer for consideration of his representation as submitted by the writ petitioner on 8th July, 2016.
2. It is the case of the writ petitioner that on August 2, 2007 the writ petitioner was appointed as Assistant Teacher for the Post of Bio-Science in the respondent no.9, Madrasah on permanent basis and on 7th August, 2007, he joined in the said post.
3. It is the further case of the writ petitioner that by a memo no. 899(3) ME dated 23.07.2010 , Director of Madrasah Education, West Bengal

had, given approval of the respondent no.9, Madrasah provisionally for two years with effect from 1st March, 2010 subject to fulfillment of certain conditions and by a separate Memo dated January 14, 2011, the writ petitioner was informed by the Officer-in-Charge, Minority Affairs and Madrasah Education Cell, Paschim Medinipur i.e., respondent no.6 regarding his entitlement for the purpose of granting/getting financial assistance in the shape of honorarium from the Government. It is submitted further that since then the writ petitioner was getting his salary and other pay benefits as per the approval letter dated January 14, 2011 and all on a sudden on account of a show cause notice dated July 25, 2014, the writ petitioner's salary has been stopped on some frivolous assertions and/or allegations.

4. On 21-04-2015, the respondent no.5 issued a memo in favour of the respondent no.8 being the Secretary of the respondent no.9, Madrasah for taking steps for recovery of alleged unauthorized payment of honorarium to the writ petitioner and since then salary and other allowances have been stopped.
5. It is submitted further that on 8th July, 2016, the matter was placed to the notice of the Director of

Madrasah Education i.e., the respondent no.2 herein, but such representation dated July 8, 2016 has not been considered favourably for which the writ petitioner's fundamental right i.e., right to life as enshrined under Article 21 of the Constitution of India has been seriously violated.

6. Per contra, learned advocate for the respondent State submits that admittedly the respondent no.9, Madrasah got approval from the respondent authorities on July 23, 2010 though provisionally for two years which has been extended from time to time thereafter, but in course of time it has been noticed by the respondent authorities that the name of the instant writ petitioner along with some other persons have been fraudulently incorporated as teachers though in the original DLIT report as submitted to the DME, West Bengal no such names have been found.
7. Learned advocate for the State respondent, thus, submits that the respondent authorities are very much justified in issuing the memos which have been impugned before this Court.
8. On perusal of the entire materials as placed before this Court, it appears that it is the case of the respondent authorities that the name of the present writ petitioner along with some other persons have been fraudulently incorporated,

though their names are not found in the original DLIT report which has been disputed by the learned advocate for the writ petitioner.

9. Such being the position, while disposing the instant writ petition, this Court directs the respondent no.2, i.e., Director of Madrasah Education, Government of West Bengal to consider the representation of the writ petitioner as submitted on 08-07-2016 in accordance with law after giving an opportunity of hearing to the writ petitioner as well as to the respondent no. 9, Madrasah and/or their learned advocates and thereafter to pass a reasoned order which shall have to be communicated to the writ petitioner forthwith preferably by e-mail if the e-mail details of the writ petitioner is furnished by writ petitioner at the time of hearing.
10. It is made clear that the entire exercise as mentioned hereinabove is to be completed within a period of three months from today.
11. It is further made clear that the time limit as fixed by this Court is mandatory and peremptory.
12. Learned advocate for the State is hereby requested to intimate the server copy of this order to the respondent no. 2 for its immediate compliance.

13. Since affidavits have not been asked for, the allegations made in the writ petition are deemed to have been denied.
14. Accordingly, the instant writ petition being WPA 23970 of 2016 is disposed of.
15. Urgent photostat copy of this order, if applied for, be given to the parties after due compliance.

(Partha Sarathi Sen, J.)