

ML-1
07.04.2025
Ct. No. 18
adeb

WPA 3103 of 2025

**Khairul Basar
Vs.
The State of West Bengal & Ors.**

Mr. Haridas Das

...for the petitioner

Mr. Shamim ul Bari

Ms. Indrani Nandi

...for the State

Matter is heard in presence of the learned advocates representing the petitioner and the State respondents. However, Madrasah Shiksha Kendra is not represented.

Petitioner has claimed approval of appointment based on appointment letter dated 6th March, 1990 issued by the then Secretary, Ekshara HQ Junior High Madrasah. On query of this Court whether the post against which petitioner was appointed was sanctioned post or not and whether any prior permission was granted by the concerned District Inspector of Schools (SE) this Court does not receive satisfactory reply.

On the contrary, learned advocate representing the State respondents submits that petitioner was appointed initially as an organizing teacher in an organizing madrasah. However, at

the material point of time petitioner was not accorded approval of appointment as an organizing teacher of the organising madrasah. Subsequently, said madrasah was converted into Madrasah Shiksha Kendra namely Ekshara Hamidia Qurania Madrasah Shiksha Kendra. On approval granted in favour of said Madrasah Shiksha Kendra service of the petitioner was approved as Samprasarak of Madrasah Shiksha Kendra with effect from 1st May, 2008. It is also submitted that petitioner has retired on attaining the age of 65 years.

Since petitioner was approved as Samprasarak of Madrasah Shiksha Kendra with effect from 1st May, 2008 and retired on superannuation at the age of 65 years subsequently prayer of the petitioner for approval of appointment in connection with his service rendered as organizing assistant teacher of an organizing madrasah ought not to be allowed. Petitioner has already retired on superannuation at the age of 65 years from the post of Samprasarak of Madrasah Shiksha Kendra. Therefore, the prayer of the petitioner for approval of appointment in connection with appointment letter dated 6th March, 1990 is refused.

Writ petition stands dismissed.

However, this order shall not preclude the petitioner to receive retiral benefits, if same is payable in accordance with law.

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

(Saugata Bhattacharyya, J.)