

W.P.A. 5275 of 2025

**Md. Alauddin & Anr.
Vs.
The State of West Bengal & Ors.**

Md. Salahuddin
Md. Raziuddin
...for the petitioners
Mr. Nadeem Sulaiman
...for the Madrasah Board
Mr. Sirsanya Bandopadhyay
Ms. Tapati Samanta
Mr. Arindam Ghosh
...for the State

Matter is heard in presence of the learned advocates representing the petitioners and the State respondents. Petitioners have made out a case as it appears from paragraph 5 of the writ petition that they have requisite qualification to be engaged as peon-cum-security guard and matron-cum-caretaker of Murshidabad Model Madrasah (English Medium) (hereinafter referred to as 'said madrasah'). However, during course of hearing no document is produced from where it can be ascertained that the petitioners were appointed in the said madrasah even temporarily as peon-cum- security guard or matron-cum-caretaker.

It appears that vide memo dated 9th September, 2014 Secretary, Government of West Bengal, Minority Affairs and Madrasah Education Department decided to establish thirteen English Medium Madrasahs in thirteen different districts in the State. It is further clarified in the said memorandum dated 9th September, 2014 that in each English Medium Madrasah there shall be one Group-C and one Group-D staff. However, there is no post created, that is, peon-cum-night guard or matron-cum-caretaker which is apparent from memorandum dated 9th September, 2014. Nothing is produced before this Court that the posts against which petitioners are claiming to be regularized, are sanctioned posts neither petitioners were found to be engaged by the concerned respondent authorities to work as Group-C or Group-D staff of the said madrasah.

In view of aforesaid situation mandamus ought not to be issued to protect the right of the petitioners for continuity of their service since no right appears to have been created which requires such protection.

In this regard reliance is placed on the judgment of the Hon'ble Supreme Court reported

in **(2006) 4 SCC 1 (Secretary, State of Karnataka Vs. Uma Devi III).**

Writ petition stands dismissed.

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

(Saugata Bhattacharyya, J.)