

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 18187 of 2024
With
CAN 1 of 2025**

**Joydeb Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Gouranga Kumar Das,
...For the Petitioner.**

**Mr. Pratik Dhar. Sr. Adv.
Ms. Madhurima Sarkar.
...For the Madrasah Service Commission.**

1. The petitioner is aggrieved by the decision of the West Bengal Madrasah Service Commission in not accepting his prayer for regularization as organizing teacher of non-Government aided Madrasah.
2. The petitioner claims to have been appointed in the post of Assistant Teacher in Social Science group by the Managing Committee of Bishalaxmipur Puna Saha Mostania High Madrasah vide resolution dated 1st October, 1992.
3. In the impugned order, the Commission has clearly mentioned that there is no provision in the West Bengal Madrasah Service Commission Act, 2008 and the Rules framed thereunder for regularization of organizing teacher of non-Government aided Madrasah.
4. The petitioner asserts that in the year 2009, even after coming into effect of the Act of 2008

regularization of one Saficul Islam was made by the Commission.

5. The Commission has filed a report affirmed by the Deputy Secretary-cum-Law Officer of the Commission wherein it has been mentioned that the case of Saficul Islam and the petitioner are not in the same footing. Saficul Islam joined as Assistant Teacher in the year 1991 against an approved vacancy. The petitioner was never appointed in any regular vacancy. He was appointed by the Managing Committee as Assistant Teacher in the subject of History.
6. Admittedly, under the Act of 2008 and the Rules framed thereunder, there is no provision for regularization of organizing teachers. The petitioner has not been able to show any law in support of his prayer for regularization.
7. It does not appear that the petitioner and Saficul Islam stand in the same footing. Assuming regularization of Saficul was not in accordance with law, the petitioner cannot claim negative equality.
8. In view of the above, the relief of regularization sought for by the petitioner cannot be allowed.
9. The writ petition fails and is hereby dismissed.
10. The application being CAN 1 of 2025 is disposed of.
11. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)