

22.04.2026
Sl. No.110(DL)
Ct. No.14
srn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 8084 of 2024

Md. Samim Akhtar

versus

The State of West Bengal & Ors.

Md. Habibur Rahaman

...for the Petitioner.

Mr. Sujit Chatterjee,
Ms. Subhasri Chatterjee

...for the State.

1. By the present writ petition, the petitioner seeks for cancellation and/or withdrawal of the order issued under Memo No.1446-ME dated 25th November, 2019 by the Director of Madrasah Education, respondent No.2 (Annexure P-12).
2. Petitioner contends that he was an organising Assistant Teacher of Dhauta Ezharul Uloom Ashrafia Junior High Madrasah, P.O. Rasakhowa, P.S. Karandighi, District-Uttar Dinajpur (*in short 'said Madrasah'*) since 15th November, 2008. For the sake of regularisation, the District Level Inspection Team conducted an inspection and submitted its report, i.e. DLIT report on 28th February, 2009. The name of the petitioner was included in the said DLIT report as an organising teacher in Biology in the said Madrasah. Although all other eight teachers were regularised in service after recognition of the said Madrasah, but the service of the

petitioner was not regularised. The petitioner made a representation for his regularisation, however, the same was not considered and the petitioner was constrained to file a writ petition being WPA 22816 (W) of 2017. The said writ petition was disposed of on 15th March, 2019 directing the Director of Madrasah Education to consider and dispose of the representation of the petitioner by passing a reasoned order. The Director of Madrasah Education rejected the prayer for regularisation of the petitioner holding that the DLIT report has been tampered. Being aggrieved by such impugned order, the petitioner has preferred the present writ petition.

3. Mr. Habibur Rahman, learned Advocate for the petitioner submits that the impugned order is based on surmises and conjectures. The Director of Madrasah Education himself called for an enquiry/verification of the DLIT report by the District Officer, Minority Affairs (DOMA), Uttar Dinajpur on 21st November, 2019. However, without such report been submitted, the impugned order rejecting the prayer of the petitioner for regularisation was passed. Accordingly, the said order is liable to be set aside.
4. Ms. Subhasri Chatterjee, learned Advocate for the State respondents submits that the District Officer, Minority Affairs (DOMA), Uttar Dinajpur has submitted its enquiry report dated 23rd February, 2026 wherefrom it revealed that the petitioner failed to produce any

documentary prove in support of his engagement as *Shiksha Samprasarak* in Bio-Science in the said Madrasah. Upon examination it was found the attendance register did not bear the signature of the petitioner. It was informed by *Mukhya Shiksha Samprasarak (MSS)* and the Secretary of *Madrasah Shiksha Kendra (MSK)* during enquiry that the neither any approval was accorded nor any appointment letter was issued to the petitioner. Hence, the claim of the petitioner that his name was included in the DLIT report is without any basis. She seeks for dismissal of the writ petition.

5. The impugned order under challenge is passed pursuant to order of a Co-ordinate Bench in W.P. 22816 (W) of 2017 on 15th March, 2019 directing the authority concerned to consider the representation of the petitioner. It is a fact that in the impugned order it is observed by the Director of Madrasah Education, after considering the difference in writing style in the recording of the name of the petitioner in serial no.9 of the DLIT report, that said report needs to be verified and enquired by the appropriate authority. It is also found that on an earlier date i.e on 21st November 2019 the Director of Madrasah Education also called for a detailed report from District Officer, Minority Affairs, Uttar Dinajpur. However, the impugned order has been passed before submission of detailed report by DOMA.

6. Be that as it may, upon perusal of the report dated 25th February, 2026 furnished by Director, Madrasah Education, W.B it is found that subsequent to passing of the impugned order, DOMA submitted its report before Director of Madrasah Education on 23rd December, 2019.
7. The claim of the petitioner is that despite the name of the petitioner being included in the DLIT report as teaching staff, the approval of appointment of the petitioner was not granted.
8. The report filed by the State clearly shows that upon enquiry by the District Officer, Minority Affairs (DOMA), Uttar Dinajpur it was found that the petitioner namely Shamim Akhtar was never accorded approval as *Shikha Sampasarak* in the said Madrasah. There is also no proof that the petitioner worked in the said Madrasah as a Bio-Science teacher. The attendance register of the *Madrasah Shiksha Kendra* does not bear the signature of the petitioner. Further the report reveals that the *Mukhya Shiksha Samprasarak* and the Secretary of the said Madrasah was called in the meeting on 28th November, 2019, in which they have stated that no appointment letter was issued to the petitioner. Moreover, the original DLIT report has been tampered as the name of the petitioner has been included after the name of non-teaching staff which does not match the Format.

9. Though the petitioner has refuted the report in its exception stating the authorities have hatched up a conspiracy to deprive the petitioner from his legitimate claim but such contention of the petitioner is unacceptable in view of the fact that in the present writ petition the petitioner has failed either to annex his appointment letter or his joining letter to primarily show that he was engaged in the said Madrasah as Bio-Science teacher. Such being the position, the impugned order passed by the Director of Madrasah Education does not call for any interference.
10. Accordingly, the writ petition being **WPA 8084 of 2024** stands dismissed.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)