

3. It appears that the Madrasah in question was established in Village Dhawapara, district Nadia by some local individuals who managed the same. In due course, the Madrasah sought formal recognition from the competent authority. On September 3, 2008, a District Level Inspection Team (DLIT), conducted an inspection of the Madrasah and submitted a report. Admittedly the petitioner's name was not there in the report as a member of the teaching staff. By an order dated October 19, 2010, issued by the competent authority, the institution was converted into a Madrasah Shiksha Kendra (in short, MSK) with effect from March 1, 2010.

4. In the year 2010, the petitioner and another person, Md. Asif Iqbal, were appointed as teaching staff members of the said MSK. Since then, both of those appointees had been rendering service to the MSK. However, by a memo dated December 31, 2021, the District Officer, Minority Affairs, Nadia, instructed the Mukhya Shiksha Samprasarika of the said MSK not to release the honorarium of the petitioner and the said Asif Iqbal. The said memo was issued on the basis of a memo December 27, 2021, issued by the Director of Madrasah Education, Govt. of West Bengal. The primary grounds for stopping the honorarium of the petitioner and the said Asif Iqbal were, firstly, the DLIT report did not include their names; and secondly only one teacher can be retained in a single group, thereby rendering the said two person's continued engagement impermissible.

5. Before the learned Single Judge, it was argued on behalf of the petitioner that he was appointed as an Assistant Teacher in Bengali at the said MSK. Relying on a memorandum dated February 17, 2011, issued by the District Officer, Minority Affairs, Nadia, it was contended that the petitioner's appointment was duly approved by the competent authority. It was argued that the petitioner has rendered unblemished service to the said MSK for a long period. Hence, there was

no reason for stopping his honorarium. It was an arbitrary decision on the part of the concerned authority.

6. On behalf of the State learned Advocate submitted that admittedly the petitioner's name did not find place in the DLIT since the petitioner was not a member of the teaching staff of the said MSK at the relevant time. Referring to the memo dated February 17, 2011, it was contended that the petitioner was appointed by the Secretary of the MSK to address an emergent situation. Such appointment was provisionally approved for a period of 2 years with effect from March 1, 2010. There is nothing to show that upon expiry of the said period of 2 years, the petitioner's appointment was regularized or continued by the competent authority. It was further submitted that the petitioner continued in the said post without formal approval and is now claiming to be treated at par with the permanent teachers at the said MSK.

7. Referring to an unreported decision of a learned Judge of this Court in WPA 4143 of 2024 filed by the aforesaid Asif Iqbal, it was submitted that Asif had also approached a learned Judge in the writ jurisdiction complaining of arbitrary stoppage of his honorarium. The writ petition was disposed of by a direction on the concerned respondents to take an appropriate decision on Asif's representation. In terms of such order, the concerned authority considered the representation and rejected Asif's prayer for payment of honorarium or other-service related benefits on the ground that his name did not appear in the DLIT report dated September 3, 2008. Such rejection order was challenged by Asif by way of another writ petition which was disposed of by affirming the decision of the respondent authority holding that Asif was not entitled to any benefit arising from his temporary appointment. It was argued that the present writ petitioner is similarly circumstanced as Asif and hence his writ petition should be dismissed.

8. The learned Judge dismissed the writ petition with the following observations:-

“It is an admitted position that the Madrasah was inspected by the District Level Inspection Team (DLIT) in the year 2008, and the report prepared pursuant thereto did not contain the petitioner’s name as a member of the teaching staff. The petitioner was subsequently engaged in the institution in 2009. However, there remains ambiguity regarding the specific group under which he was appointed—whether in the Social Science Group or the Language Group. As noted earlier, the Memorandum dated 17th February 2011 indicates that the petitioner’s appointment was provisionally approved for a period of two years with effect from 1st March 2010. The petitioner, however, has failed to produce any further documentation or official order to demonstrate that his appointment was subsequently confirmed or approved by any competent authority or he was allowed to continue in the post with approval by any authority.

As observed earlier, the concerned authority has justified the stoppage of the petitioner’s honorarium on the grounds that the petitioner’s name was not included in the DLIT report, and his subsequent engagement was not approved by any competent authority after the expiry of his initial two-year engagement, as outlined in the Memorandum dated 17th February 2011. Furthermore, a similar issue raised by Md. Iqbal was rejected by the authority, and the decision was upheld by a co-ordinate Bench of this Court. In light of this, I find no reason to disagree with the decision of the co-ordinate Bench. I have carefully considered the decisions cited by the petitioner, but I find those cases distinguishable on the facts.

Accordingly, I am of the considered opinion that no interference in this writ petition is warranted.”

9. We have carefully considered the rival contentions of the parties as also the judgment and order of the learned Single Judge. We do not find any apparent infirmity in the order under challenge.

10. A report in the form of affidavit affirmed on August 4, 2025, by the Director of Madrasah Education being the respondent no. 2, has been filed in this appeal. Two specific grounds have been pleaded in that affidavit in support of the decision to stop the honorarium of the appellant. Firstly, the appellant’s name does not appear in the DLIT Report and hence he is not entitled to be a teacher at the concerned Madrasah. Secondly, the appellant and one Muksed Ali have been approved as Shiksha Samprasarak by the District Officer of Minority Affairs, Nadia, against a single post of Social Science Group, in violation of the Government guideline in Memo no. 983 – MD dated August 4, 2008.

11. It is not in dispute that the name of the appellant does not figure in the DLIT report as a member of the teaching staff of the said MSK. Indeed, the appellant’s name could not have being included in the DLIT report since the appellant was appointed with effect from March 1, 2010, i.e., much after the DLIT inspected the said MSK on September 3, 2008.

12. From the memorandum dated February 17, 2011, it would appear that the petitioner’s date of joining the said MSK has been mentioned as May 2, 2009. His appointment was approved provisionally for 2 years with effect from March 1, 2010. The appellant has not placed any document before us to show that his provisional appointment was extended or his appointment was confirmed by the competent authority. The mere fact that he continued to receive honorarium till October 2021, would not create any right or equity in his favour to continue to receive such honorarium in the absence of his provisional appointment being extended or his

appointment being confirmed, if otherwise he was not entitled to receive such honorarium. Erroneous payment of honorarium or payment not in accordance with the applicable rules, even for a long period of time cannot be the basis for the appellant to argue that such error should be perpetuated.

13. We also see that another person namely Asif Iqbal who stood on the same footing as the present appellant was unsuccessful before a learned Judge of this Court in obtaining an order similar to the order which the present appellant is trying to obtain. This has been noted by the learned Single Judge in the present case.

14. Further, we note that disputed questions of fact are involved in the present case. While the appellant claims that he is still rendering service as a teacher at the said MSK, the respondents deny the same. Such disputes cannot be conveniently resolved by the Writ Court.

15. In view of the aforesaid, we are of the firm opinion that there is no such error in the judgment and order under appeal as would warrant interference. The appeal and the connected application are accordingly dismissed.

16. Urgent Photostat certified copies of this judgment and order, if applied for, be supplied to the parties on compliance of all necessary formalities.

I agree.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)