

60 **14.01.
2026**

Ct. No. 14

Ab

WPA 19404 of 2025

Abdul Aziz

Vs.

The State West Bengal and others..

**Mr. Ali Ahsan Alamgir,
Mr. Mazhar Hossain Chowdhury,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. Jeme Modak.**

... for the petitioner.

**Mr. K. M. Hossain,
Mr. Manish Biswas.**

... for the State.

**Mr. Ekramul Bari,
Mr. Sk. Imtiaz Uddin.**

... for the respondent no. 4.

1. Affidavit of service filed on behalf of the petitioner in Court today is taken on record.
2. The written instruction filed on behalf of the respondent no. 3, the District Inspector of Schools (SE), Uttar Dinajpur, is also taken on record.
3. By the present writ petition, the petitioner seeks for direction upon the respondent authorities to approve the appointment of the petitioner and/or regularize the service of the petitioner as Group-C staff in Fazlul Haque N.S. High Madrasah, Post Office – Kodaldahya, Police Station – Islampur, District – Uttar Dinajpur.
4. The petitioner contends that he has passed Alim examination in the year 2008 from the West Bengal Board of Madrasah Education. Due to shortage of

Group-C staff in the said Madrasah, i.e. Fazlul Haque N.S. High Madrasah, the Members of the Managing Committee adopted a resolution on 19th November 2008 and took decision to appoint the petitioner as a Group-C staff on a temporary basis. The Secretary of the Madrasah issued letter of appointment on 19th November 2008. The petitioner joined in the post on 25th November 2008. On 11th March 2025, the petitioner made a representation for regularization of his service and/or approval of his appointment in the said post before the respondent no. 3, the District Inspector Schools (SE), Uttar Dinajpur. However, no steps have been taken yet. Hence, this writ petition.

5. Mr. Ali Ahsan Alamgir, learned Advocate appearing on behalf of the petitioner, submits that the petitioner has discharged his function satisfactorily for the last 17 years. The appointment letter issued to the petitioner categorically states that his service will be regularized at an appropriate stage. However, the concerned Madrasah has not taken any steps for regularization of the service of the petitioner. The petitioner made a representation before the District Inspection of Schools (SE), Uttar Dinajpur for his regularization, which is still pending with the authority. He seeks that the matter to be relegated to the appropriate authority for consideration.

6. Mr. Ekramul Bari, learned Senior Advocate appearing on behalf of the respondent no. 4, the Managing Committee of Fazlul Haque, N.S. High Madrasah (H.S.), submits at the very outset that no such resolution was adopted by the present Managing Committee for appointing the petitioner in the said post. Furthermore, the rules and procedure for appointment of Group-C staff has been laid down specifically in the Guidelines for Recruitment of Non-Teaching Staff (Librarian, Clerk, Group 'D' Staff) of Non-Govt. Aided Secondary Schools, Govt. Sponsored Schools and all types of Aided Madrasahs including Senior Madrasahs and newly set up Educational Institution at Secondary Level in West Bengal under Memo No. 1738(21) G.A. dated 1st November 1999 (*hereinafter referred to as 'Guidelines'*), which has not been followed in the present case. Therefore, the question of relegating the matter to the appropriate authority for regularization of the service of the petitioner does not and cannot arise in the present facts and circumstances of the case.
7. Mr. K. M. Hossain, learned Advocate appearing on behalf of the State, also submits in the similar fashion. He places a copy of the aforesaid Guidelines, which is taken on record.
8. *Per contra*, in reply, learned Advocate for the

petitioner relying on a decision of this Court in *Shah Md. Khaibul Alam & Ors. versus State of West Bengal & Ors.*, passed in WP No. 2464(W) of 2017 on 3rd February 2017, submits that such appointment cannot be said to be illegal but at the most irregular.

9. In the said Guidelines, under Mode of Selection and Selection Committee under Memo No. 1738(21) G.A. dated 1st November 1999, it has been mentioned that for the post of Clerk and Group D staff, the Selection Committee shall consist of the following :

(i) Approved Headmaster/Headmistress/Teacher-in-Charge of the Institution.

(ii) Secretary of the Managing Committee/Ad-hoc Committee/Administrator.

If the Headmaster and the Secretary of the School are one and the same person, the President of the Committee shall be included as a member.

(iii) One approved Headmaster/Headmistress of Other High/Higher Secondary/High Madrasah in the same Sub-division to be selected by the Managing Committee.

(iv) One nominee of the Panchayet Samity for School situated in rural areas to be nominated by the Sabhapati, Panchayet Samity. For other areas one member of the Managing Committee to be selected by the Managing Committee. The nominee of the Panchayet Samity, however, shall

not be a member of the staff of the school.

10. It is further laid down in the said Guidelines that for appointment to the post of Clerk, the assessment would be made upon awarding marks under the following heads:

- (i) Academic qualification shall be awarded for
MP/SF/Or its equivalent (full marks) 10
- (ii) Viva Voce/Written test (full marks) 5
- (iii) Type-writing to be tested on the date of
interview with stress on accuracy (full marks) 5

11. Needless to mention that save and except a resolution of the Committee, none of the procedure as laid down in the aforesaid guidelines has been followed in the case of the petitioner for his appointment. In view of the above, the writ petition falls short of merit.

12. In Shah Md. Khaibul Alam (*supra*), the petitioners therein were stated to be regular staffs of the Madrasah on '*substantive basis*' subject to approval of District Inspector of Schools (SE) and the Court found the service to be irregular. Whereas in the case at hand the appointment of the petitioner is on temporary basis. Thus, the facts are distinguishable.

13. Accordingly, the writ petition being WPA 19404 of 2025 is hereby dismissed.

14. Interim order, if any, stands vacated.

15. All connected applications are disposed of.

16. There shall, however, be no order as to costs.

17. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

18. 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.)