

COMMITTEE REPORT

**REPORT OF THE COMMITTEE CONSTITUTED
BY THE HON'BLE SUPREME COURT OF INDIA
VIDE JUDGMENT DATED 02.02.2023 IN THE
MATTER OF CONTEMPT PETITION (C) No.
352 OF 2022 IN CIVIL APPEAL No. 5808 OF
2017 IN THE MATTER OF SNEHASISH GIRI
AND ORS VS SUBHASISH MITRA AND NINETY
FOUR (94) OTHER CONTEMPT PETITIONS.**

**KOLKATA
August 3, 2023**

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REPORT OF THE COMMITTEE CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA VIDE JUDGMENT DATED 02.02.2023 IN THE MATTER OF CONTEMPT PETITION (C) No. 352 OF 2022 IN CIVIL APPEAL No. 5808 OF 2017 IN THE MATTER OF SNEHASISH GIRI AND ORS VS SUBHASISH MITRA AND NINETYFOUR (94) OTHER CONTEMPT PETITIONS.

(Report in connection with the hearing of petitioners and verification of documents as per order of the Hon'ble Supreme Court in Civil Appeal No. 5808 of 2017 dated February 2, 2023 in the matter of Contempt Petition number 352 of 2022 and 94 other petitions, relating to some Madrasahs in West Bengal)

This matter also refers to Notification No. 485-MD dated 20.02.2023 issued by the Minority Affairs and Madrasah Education Department of the Government of West Bengal.

Adequate publicity through appropriate advertisements in both English and Bengali newspapers was made providing an opportunity to those interested to seek verification of their claims. Through this method an opportunity was also provided to persons likely to be affected by the Report of this Committee along with providing hearing for to interested persons in the matter under consideration.

The Committee worked for five (5) months wef. 13th March, 2023.

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(A) BRIEF HISTORY

Brief history of Recruitment of Teaching / Non-teaching Staff in Recognised Govt. Aided Madrasas:-

The recruitment of Assistant Teachers/ Non-teaching staff in recognised Government-aided Madrasahs was done by the West Bengal School Service Commission from 1998 to 2008. Vide notification number 1465-MD dated 12.10.2007 **[Annexure-I]**, all recognized Government-aided Madrasahs in West Bengal were declared as Minority Institutions under Article 30 of the Constitution and vide the same notification it was notified that the Assistant Teachers/ Non-teaching staff will be recruited through the West Bengal Madrasah Service Commission. The West Bengal Madrasah Service Commission Act 2008 **[Annexure-II]** was enacted and the West Bengal Madrasah Service Commission recruitment (selection and recommendation of persons for appointment and transfer to the post of Assistant Teacher and Non-teaching staff) rules 2010 **[Annexure-III]** were framed. The entire power of appointment of teaching and non-teaching staff in recognized Government-aided Madrasahs came under the ambit of recommendations of the West Bengal Madrasah Service Commission, which was mandated to hold examinations, select and recommend candidates. The power of giving appointment to the recommended candidates still remains in the functional domain of the Managing Committee of the recognized government-aided Madrasahs who are duty bound to give appointment to the recommended candidates.

(B) CHRONOLOGY OF LEGAL CASES

- (1) The West Bengal Madrasah Service Commission Act 2008 was challenged vide writ petition number 20650(W) of 2013. This refers to the Managing Committee, Contai Rahmania High Madrasah vs. the State of West Bengal and others on the basis of the fact that the recognized Government aided Madrasahs in West Bengal were declared as 'minority institutions' under Article 30 of the Constitution by the Government of West Bengal vide notification number 1465-MD dated 12.10.2007.

The said Act was declared ultra vires to the Constitution by the Hon'ble High Court, Calcutta vide its solemn order dated 12.03.2014 **[Annexure-IV]**.

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- (2) AST 192 of 2014 with MAT 473 of 2014 was filed by the State of West Bengal and others challenging the order dated 12.03.2014 of the Hon'ble High Court Calcutta. The Division Bench of Hon'ble High Court, Calcutta vide its solemn order dated 09.12.2015 [**Annexure-V**] upheld the order of the Single Bench of the Hon'ble High Court, Calcutta dated 12.03.2014 and it was observed by the Hon'ble Division Bench that the West Bengal Madrasah Service Commission Act 2008 is in violation of the fundamental rights guaranteed by the Constitution in terms of Article 29 and 30. However, the Hon'ble Division Bench concluded that "Since appointment of teachers, etc. is very relevant in so far as the quality of education is concerned, if there are any malafide statutory infirmities brought to the notice of the State Government, it is open to the State Government to withdraw financial support if mala fides/illegalities are found in such process of selection of teaching staff etc".
- (3) The spirit of this observation by the Hon'ble Division Bench of the High Court is also mentioned in Section 5 of the West Bengal Schools (Control of Expenditure) Act 2005 [**Annexure-VI**] which states:
- i) "No School Authority shall appoint any teacher in a school in contravention of the provisions of this act or the provisions of the West Bengal School Service Commission Act 1997 [**Annexure-VII**], or any rules, order, procedures or directions issued thereunder."
 - ii) "No School Authority shall appoint any non-teaching staff in a school, excepting in the manner as may be prescribed"
 - iii) "Any appointment made by the school authority in contravention of sub-section (1) or sub-section (2) shall be void."
- (4) After the order dated 09.12.2015 of the Hon'ble Division Bench of the High Court Calcutta, the State Government in the MA & ME Department framed a guideline vide Notification no. 486-MD/O/2M-11/2016 dated 03.03.2016 [**Annexure-VIII**] to be followed by the Managing Committees of the recognized Government-aided Madrasahs while making appointments of teaching / non-teaching staff. Before the issue of this Notification no. 486-MD/O/2M-11/2016 dated 3rd March, 2016, Government Order no. 93-SE/S/10R-14/2013 dated 09.02.2015

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[Annexure-IX] was used and enforced for recruitment of teaching and non-teaching staff in recognized aided minority institutions.

The Managing Committees of the recognized Government-aided madrasahs were thus empowered to recruit teaching/non-teaching staff by following GO no. 93-SE/S/10R-14/2013 dated 09.02.2015 (if the recruitment was done between 09.02.2015 and 03.03.2016 and Notification no. 486-MD/O/2M-11/2016 dated 03.03.2016 (if recruitment was done after 03.03.2016).

- (5) A large number of contempt petitioners who appeared before this Committee, have claimed to have been appointed by the Managing Committees of the recognized Government-aided Madrasahs after 09.12.2015 under GO. 93-SE/S/10R-14/2013 dated 09.02.2015 OR Notification no. 486-MD/O/2M-11/2016 dated 3rd March, 2016.
- (6) SLP (C) No. 6661/2016 with Civil Appeal No. 5808/2017 was filed by Sk. Md. Rafiq in Hon'ble Supreme Court of India and the impugned order of Hon'ble Division Bench, High Court Calcutta was stayed by the Hon'ble Apex Court on 14.03.2016 **[Annexure-X]**.
- (7) The appeal was finally disposed of vide solemn order dated 06.01.2020 **[Annexure-XI]** whereby the Hon'ble Supreme Court of India observed and directed that:-
- “In the end, we declare all nominations made by the Commission in pursuance of the provisions of the Commission Act to be valid and operative. However, if after the disposal of the matters by the High Court any appointments are made by the concerned Madrasahs, such appointments of teachers shall be deemed to be valid for all purposes. But the Commission shall hereafter be competent to select and nominate teachers to various Madrasahs in accordance with the provisions of the Commission Act and the Rules framed thereunder”.
- (8) After two (2) years a contempt petition being no.177/2022 was filed in the Hon'ble Supreme Court quoting orders at paragraph (7) above. This was later dismissed 'as withdrawn' by the petitioners. After no.177/2022 was filed, several other such contempt petitions were filled namely no. 352/2022 and ninety four (94) others. All these matters were heard by the apex court several times and finally disposed off vide solemn order dated 02.02.2023.

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- (9) The Hon'ble Supreme Court insisted on verification of the prayer of the petitioners on the ground that the selection of the Teachers ought to be done keeping in view of the national interest and without compromising with the merit in such selection, relying on T.M.A Pai Foundation case (T.M.A. Pai Foundation & Ors.- vs – State of Karnataka & Ors. On 31 October, 2002).
- (10) It is therefore, necessary to adopt a fair selection procedure and select the best available talent purely on merit basis. That's why the Hon'ble Supreme Court constituted the Committee in the aforesaid terms for verification of the claim of each petitioner and persons affected by the report of the Committee.

(C) CONSTITUTION OF THE COMMITTEE

- (1) The Hon'ble Supreme Court disposed of all the contempt petitions in order dated 02.02.2023 **[Annexure-XII]** which *inter-alia* states "Accordingly, this Court exercising its powers under Article 142 hereby constitutes a Committee headed by Justice Debi Prasad Dey, retired Judge, Calcutta High Court. The Committee shall also consist of a Principal Secretary ranking officer of the IAS, who had served in the West Bengal cadre and stationed in Kolkata with experience in the Higher Education Department as well as a retired Registrar of one of the State Universities in West Bengal, residing in Kolkata. The State Government shall nominate the members other than the Chairman".
- (2) Later vide solemn order of the Hon'ble Supreme Court of India dated 18.05.2023 an extension of time (eight weeks) was allowed as prayed for by the MA&ME Department vide Diary No. 21380 of 2023. **[Annexure-XIII]**

(D) TERMS OF REFERENCE

The Hon'ble Supreme Court requested the Committee to consider the claims of the petitioners, keeping in mind the following:-

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(a) Whether the madrasah or its managing committee was recognized by the state government on the date on which the appointment was made?

(b) Whether such appointments were made, of candidates who possessed the requisite prescribed qualifications and fulfilled the experience and other eligible conditions stipulated for the post concerned?

(c) Whether such an appointment was made by following the recruitment procedure indicated in the Kolkata Gazette Notification dated 11-03-2015 (No. 93-SE/S/10R-14/2013-9th February, 2015) and in Kolkata Gazette Notification dated 04-03-2016 (No. 486-MD/O/2M-11/2016)?

(d) Whether the appointments were made against vacancies that existed and whether the vacancies conformed to the staffing pattern for the concerned institution/Madrasahs

(e) Whether after the appointments were made, the persons appointed actually worked on their respective posts?

(f) Whether the appointments were actually made on the date of the appointment letter, or were backdated?"

(E) WORKING OF THE COMMITTEE

- (1) In compliance with the solemn order of the Hon'ble Supreme Court dated 02.02.2023 a Notification No. 485-MD dated 28.02.2023 **[Annexure-XIV]** was issued by the Secretary to the Govt. of West Bengal, MA&ME Department notifying the constitution of the Committee and also intimating all petitioners / claimants and persons likely to be affected by the report of the Committee to submit their representations and to appear before the Committee for a hearing on the dates as intimated to them by the Committee. The Notification was published in four State level dailies, one in English namely 'Times of India', two in Bengali namely 'Bartaman', 'Ajkal' and one in Urdu namely 'Akhbar-E-Mashriq'. The Notification was also uploaded in official websites of the following departments: Minority Affairs and Madrasah Education Department (www.wbminorityaffairs.gov.in), West Bengal Madrasah Service Commission (www.wbmsc.com) and West Bengal Board of Madrasah Education (www.wbbme.org) .

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- (2) Again vide Govt. Notification No. 539-MD/99011/129/2022 dated 06.03.2023 [**Annexure-XV**], the same advertisement was again published for wide circulation among claimants / interested persons in the same State Level Dailies and was also uploaded in official websites of the following departments: Minority Affairs and Madrasah Education Department (www.wbminorityaffairs.gov.in), West Bengal Madrasah Service Commission (www.wbmsc.com) and West Bengal Board of Madrasah Education (www.wbbme.org) .
- (3) The Committee extended the last date of submission of representations from the petitioners / interested persons upto 31.03.2023 vide Govt. Notification No. 705-MD dated 24.03.2023 [**Annexure-XVI**] which was again published in four State level dailies, one in English namely 'Times of India', two in Bengali namely 'Bartaman', 'Ajkal' and one in Urdu namely 'Akhbar-E-Mashriq'.
- (4) In response to the Notification No. 485-MD dated 28.02.2023, No. 539-MD dated 06.03.2023 and No. 705-MD dated 24.03.2023 five hundred and fifty nine (559) numbers of claims (497 from Contempt Petitioners and 59 from persons likely to be affected) were received by the office of the Committee from 28.02.2023 to 31.03.2023. The hearing of the claimants, and other interested persons and statutory authorities was held from 23.03.2023 to 30.06.2023. Madrasah wise list of the claimants/ "interested persons" with dates of hearing etc. are enclosed in [**Annexure-XVII-A**] and [**Annexure-XVII-B**].

(F) FRAMING OF MODALITIES

- (1) In terms of the directions given by the Hon'ble Supreme Court in Contempt Petition (Civil) No. 352 of 2022, the Committee formulated modalities for verification of the eligibility and claims of individual petitioners.

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(2) The following modalities were adopted by the Committee to verify the claims of 497 contempt petitioners as well as other persons:-

- (a) Verification of the educational qualifications of each petitioner by perusing the original educational testimonials and where necessary, verifying the original educational testimonials from the concerned university or college so as to ascertain their veracity.
- (b) Examination of the petitioners in person in order to afford them an opportunity of a personal hearing and in order to ascertain the mode, manner and procedures adopted during his/her appointment.
- (c) Verification of the original Attendance Register maintained by the concerned Madrasah in order to ascertain to an extent if the petitioner has been working in the Madrasah since the date of his/her alleged appointment and to verify the photocopies of attendance registers where submitted by the petitioners along with points raised in their written representations.
- (d) Checking and verification of Appointment and Joining Letters along with Work Done Certificates, where submitted through interaction with the Madrasah authorities or as the case may be.
- (e) Examining separately the Superintendents/ Headmasters/ Teachers-in-charge (being Joint Secretary of the Managing Committee and being the Head of the institution etc.) for verification of the original Resolution Book, official Attendance Register, staff pattern, mode and manner of working of the petitioner and actual appointment and work of the petitioner in the institution.
- (f) Verifying and checking of the photocopy of resolutions taken by the Managing Committee if any, submitted by the petitioners (along with their written representations) with the original

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Resolution Book produced by the Superintendents/ Headmasters /Teachers-in-charge as the case may be.

- (g) To keep the photostat copies of Attendance Register and Resolution Book for future reference if any at the time of returning the same to the concerned authority.

(G) VERIFICATION PROCESS

- (1) It may be mentioned here that the period of verification is ranging from the year 2014 to 2022. The Superintendents/ Headmasters/Teachers-in-charge were requested to produce the following documents:-
- (2) Original recorded Resolutions of the Managing Committees regarding initiation of the recruitment process in terms of Government Order No. 93-SE/S/10R-14/2013 dated 9th February, 2015 and Notification No. 486-MD/O/2M-11/2016 dated 3rd March, 2016.
- (3) Resolutions seeking permission of District Inspector of Schools about recruitment of teaching/ non-teaching staff in terms of Government Notification Nos. 93-SE/S/10R-14/2015 dated 9th February, 2015 or giving intimation to the District Inspector of Schools regarding initiation of recruitment process and constitution of Selection Committee in terms of the Government Notification No. 486-MD/O/2M-11/2016 dated 3rd March, 2016.
- (4) Publication of advertisement in terms of the aforesaid Government Notifications in two state level Dailies (out of which one must be in Bengali).
- (5) Class Routine to ascertain the participation of the petitioners.

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- (6) Intimation to the District Inspector of Schools within 30 days from the date of alleged recruitment for approval of the petitioners as teaching/non-teaching staff.
- (7) Staff pattern of the Madrasah in order to show that the concerned petitioner was recruited against a sanctioned post.
- (8) Necessary documents to show that the concerned Madrasah was duly recognised by the Board.
- (9) Necessary documents to show that the Managing Committee was sanctioned on the date of alleged recruitment.
- (10) The Committee also decided to call the concerned District Inspector/Additional District Inspector of Schools.

Apart from verbal evidence to assist this Committee, they were requested to submit an authenticated report in the format as under:-

Sl. No.	Question
1.	Whether this Madrasah was recognized on the date of appointment?
2.	Whether the Managing Committee was valid on the date of appointment?
3.	Whether prior permission from DI was taken for filling up the post? (If Yes, submit copy)
4.	Whether the post was sanctioned? (If Yes, submit the post sanction memo)
5.	Whether permission was taken from DI or intimation was given for recruitment process?
6.	Whether advertisement for recruitment was published in two state level dailies (If Yes, produce original copy)
7.	Whether any Selection Committee was formed following procedure as per rule? (Produce the Resolution copy)
8.	Whether DI was intimated regarding formation of Selection Committee?
9.	Whether D.I of Schools was requested to send Govt. Nominee for the Selection Committee ?

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10.	Whether any Govt. nominee was present in the Interview Board ? (if yes, produce details)
11.	Whether papers related to said recruitment were submitted to the office of DI for approval ? If yes mention the date of submission (Produce office copy)
12.	Which Recruitment Rule was applicable at the time of appointment? Whether it was 93-SE/S/10R-14/13 dt 09.02.2015 or it was 486-MD/O/2M-11/2016 dt.03.03.2016

- (1) It would be evident from Government Order Nos. 93-SE/S/10R 14/2013 dated 9th February, 2015 that approval is to be obtained from the District Inspector of Schools at least three months prior to commencement of any recruitment process for any teaching and non-teaching staff by the Managing Committee of the concerned Madrasah. As per Notification No. 486- MD/O/2M-11/2016 require prior approval of the D.I. of Schools before appointment.
- (2) The West Bengal Schools (Control of Expenditure) Act, 2005 specifically provides that the said Act was implemented to provide for the control of expenditure in the schools in West Bengal, which includes Madrasahs also.
- (i) Section 4 of West Bengal Schools (Control of Expenditure) Act, 2005 is attached as **[Annexure-VI]**.
- (ii) Salaries and wages of Teaching and Non-teaching staff against sanctioned posts for Recognised Madrasahs/Schools is the financial responsibility of the State. Therefore, the importance of intimation to the Government or permission of the Government before recruitment can safely be assumed from Section 4 & 5 of The West Bengal Schools (Control of Expenditure) Act, 2005.

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- (3) Reports were specifically called for from the West Bengal Board of Madrasah Education relating to the claims of the petitioners belonging to different Madrasah's as follows -:
- (i) Whether the Madrasah was recognized on the date on which Appointment of the concerned teacher was made.
 - (ii) Whether the Managing Committee of the Madrasah was recognised on the Date of Appointment.
- (4). Merit and excellence are the two conditions to be fulfilled in matters of recruitment of teachers for better administration of any educational institution. To attract talented teachers is the prime consideration at the time of recruitment of teachers so as to ensure the unfettered progress of the institution.

H. EXECUTIVE SUMMARY

- (1) Advertisements were published in leading Daily newspapers namely 'Times of India', 'Bartaman', 'Ajkal' and 'Akhbar-E-Mashriq' inviting representations from the Petitioners and other interested and likely to be affected persons within stipulated dates vide Notification No. 485-MD dated 28.02.2023 and the same was again published twice vide Notification Nos. 539-MD dated 06.03.2023 and 705-MD dated 24.03.2023 (for extension of time)

Extension of time was also given

- (2) The following categories of representations were received:-
- (i) Total numbers of four hundred and ninety seven (497) representations were received from Petitioners who had filed Contempt Petitions individually or in groups before the Hon'ble Supreme Court namely Contempt Petition (C) No 352 of 2022 and ninety four (94) other such petitions.

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- (ii) Four hundred and Fifty Seven (457) persons / petitioners appeared before this Committee for verification of claims out of these Four Hundred and Ninety Seven (497) petitioners. (Forty [40] persons did not appear inspite of receiving notice several times).
- (iii) Fifty Nine (59) numbers of representations were received from persons likely to be affected in future through matters expected to arise out of this Committee's findings. Out of those Fifty Four (54) appeared before the Committee for verification and Five (5) did not appear.
- (iv) Two (2) representations were received from "interested persons"(one S.L.P. No. 3352 of 2021 referred by Hon'ble Supreme Court of India, and F.M.A No. 915 of 2021 referred by High Court).
- (v) One (1) written complaint was received from an "interested person". As per **Annexure - XX**.
- (vi) To begin the process of hearing and verification of copies of documents received, the representations were taken on record, listed and sorted.
- (vii) Notices were issued giving sufficient time for the Petitioners to appear on stipulated dates. Time prayers were as required allowed from time to time. For those who failed to appear before or who did not cooperate with this Committee, fresh notices were issued atleast on three (3) successive occasions.
- (viii) Notices were also issued to some Superintendents, Headmasters, Teachers-in-Charge, District Inspectors of Schools, ADIs & other authorities to assist in verification of claims.
- (ix) The Committee verified individually the claim of each Petitioner as well as the persons who submitted their claims as Interested Persons and others likely to be affected. Reports were prepared

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for each individual claimant. Fair hearing was given to the Petitioners, Superintendents/Headmasters/Teachers-in-Charge, D.I. & ADI of Schools and in some cases, the Secretary and/or Teachers of some institutions, as required. Their statements have been duly recorded. The Committee also considered the documents and representations filed by them.

- (x) This Committee followed an open, diligent, rational and transparent procedure based on personal depositions, documents submitted, documents / registers called for (from the institutions), robust referencing and objective analysis to elicit facts and circumstances without any bias.
- (xi) An extensive and detailed evaluation was made through examination and recording of depositions. All documents were verified and cross-checked diligently. Facts and other relevant information were matched and conclusions drawn in accordance with the solemn directives laid down by the Hon'ble Supreme Court.

(I) FINDINGS

- (i) With regard to the extant rules of recruitment for Teaching and non-Teaching staff as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and 486-MD/O/2M-11/2016 dated 03.03.2016 as well as the mandatory procedure that are required to be followed (Sec- 4 of the West Bengal Schools (Control of Expenditure) Act, 2005). This Committee is of the considered view that the appointments of the Petitioners and contentions of 'interested persons' and others do not conform to notified procedures as per Govt. Notification No.93-SE/S/10R-14/2013 dated 09/02/2015 and 486-MD/O/2M-11/2016 dated 03/03/2016 and are, therefore, illegal.

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- (ii) The Committee has recorded detailed Observations relating to each Contempt Petitioner which are accordingly filed and described in **Appendix -1** and “interested persons” which are accordingly filed and described in **Appendix - 2** to this Report, which shall form part and parcel of this Report.
- (iii) A list of Contempt Petitions including the petitioners alongwith the concerned Madrasah is attached at [**Annexure-XVIII**].
- (iv) Observations have been recorded relating to representations heard and received from other persons vide para H (2) (iii) preceding who may be affected in future through matters arising out of the findings of this Committee [**Annexure-XIX**].
- (v) Complaint submitted by one “interested person” as referred to in para H (2) (v) is annexed herewith as **Annexure-XX**.


Having regard to the legal chronology and the rights and contentions of the Petitioners and other categories of persons, the entire matter appears to be bristling with complex ramifications and was dealt with infinite care by the Committee.

(J) OBSERVATIONS

- a) Observations relating to each **Contempt Petitioner** are filed (as part of the Report) – **Appendix -1**
- b) Observations relating to each “**interested person**” filed (as part of the Report) - **Appendix -2**
- c) Observations relating to “**other persons likely to be affected**”, filed (as part of the Report) - **Appendix -3**


Justice Debi Prosad Dey
(Chairman)
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Shri Manish Gupta
(Member) 03/08/2023

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Shri Sripati Mukhopadhyay
(Member)

(K) LIST OF ANNEXURES:

- a) Notification No. 1465-MD dated 12.10.2007 **(Annexure-I)**.
- b) West Bengal Madrasah Service Commission act, 2008 **(Annexure-II)**.
- c) West Bengal Madrasah Service Commission recruitment (selection and recommendation of persons for appointment and transfer to the post of Assistant Teacher and Non-teaching staff) rules 2010 **(Annexure-III)**.
- d) Solemn order of Hon'ble High Court, Calcutta dated 12.03.2014 in W.P. No. 20650(W) of 2013 **(Annexure-IV)**.
- e) Solemn order Division Bench of Hon'ble High Court, Calcutta dated 09.12.2015 in AST 192 OF 2014 with MAT 473 OF 2014 **(Annexure-V)**.
- f) West Bengal Schools (Control of Expenditure) Act 2005 **(Annexure-VI)**.
- g) West Bengal School Service Commission Act 1997**(Annexure-VII)**.
- h) Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 **(Annexure-VIII)**.
- i) Notification No. 93-Se/S/10R-14/2013 dated 09.02.2015 **(Annexure-IX)**.
- j) Solemn order of Hon'ble Supreme Court of India dated 14.03.2016 in S.L.P (C) No. 6661 of 2016 with Civil Appeal No. 5808 of 2017 **(Annexure-X)**.
- k) Solemn final order and judgment of Hon'ble Supreme Court of India dated 06.01.2020 in S.L.P (C) No. 6661 of 2016 with Civil Appeal No. 5808 of 2017 **(Annexure-XI)**.
- l) Solemn order of Hon'ble Supreme Court of India dated 02.02.2023 in Contempt petition (C) No. 352 of 2022 **(Annexure-XII)**.
- m) Solemn order of Hon'ble Supreme Court of India dated 18.05.2023 in Diary No. 21380 of 2023 **(Annexure-XIII)**.
- n) Notification No. 485-MD dated 28.02.2023 published in four (4) State Level Dailies **(Annexure-XIV)**.
- o) Notification No. 539-MD dated 06.03.2023 published in four (4) State Level Dailies **(Annexure-XV)**.

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- p) Notification No. 705-MD dated 24.03.2023 published in four (4) State Level Dailies (**Annexure-XVI**).
- q) Madrasah wise list of the claimants / interested persons (**Annexure-XVII-A & XVII-B**).
- r) List of Contempt Petitions vide petitioners along with the concerned Madrasah (**Annexure-XVIII**).
- s) List of interested persons vide petitioners along with the concerned Madrasah (**Annexure-XIX**).
- t) Complaint submitted by one "**interested person**" and other related documents (**Annexure-XX**).

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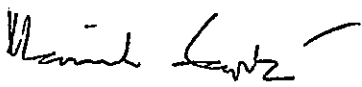
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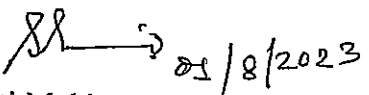
OBSERVATION

Ramiz Raj Khan. Assistant Teacher, Geography(H/PG) :He is claiming himself as Assistant Teacher of Chengail High Madrasah, Howrah on the strength of the meeting Resolution no. 01/2016 dated 17.01.2016. Admittedly, Ramiz Raj Khan never appeared in any written examination or before any Interview Board for being recruited as Assistant Teacher of the Madrasah. As per the petitioner, he could not work in the Madrasah on and from 18.09.2018 since the local villagers forcibly debarred him from entering into the Madrasah. One Work Done Certificate issued by the Secretary of the Madrasah has been filed by the petitioner. Syed Imrat Hossain has been working as Headmaster of the Madrasah since 08.10.2009 and he never had seen Ramiz Raj Khan to work as Assistant Teacher, Geography in the Madrasah. As per the statement of the Headmaster, there is no reflection in the Attendance Register, UDISE and in the bio-metric attendance or in the Resolution Book about the attendance and working of Ramiz Raj Khan as Assistant Teacher of the Madrasah. This Madrasah introduced bio-metric system of attendance in the year 2013. The Headmaster did not issue any Work Done Certificate in favour of Ramiz Raj Khan. The D.I. of Schools corroborated such statement of the Headmaster by filing a report thereof against Ramiz Raj Khan.

Under the circumstances stated above, we are of the considered opinion that Ramiz Raj Khan was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman)

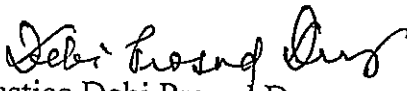

2. Shri Manish Gupta
(Member)

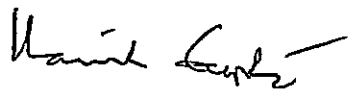

3. Shri Sripati Mukhopadhyay
(Member)

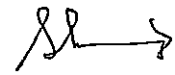
OBSERVATION

Nikhat Parveen, Assistant Teacher, Bengali (H/PG) :The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Bengali (H/PG) for not having B.Ed. degree on the date of her alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification and was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey 01/08/2027
(Chairman)

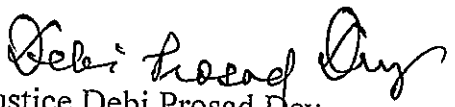

2. Shri Manish Gupta 01/08/2025
(Member)

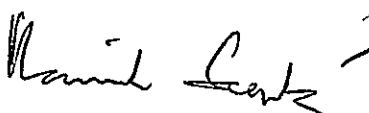

3. Shri Sripati Mukhopadhyay 01/08/2022
(Member)

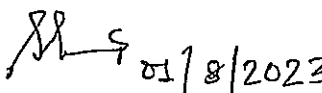
OBSERVATION

Nafisa Ali, Assistant Teacher, Work Education (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Work Education (Pass) for not having B.Ed. degree on the date of her alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification and was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/23

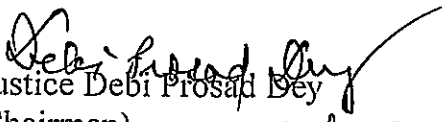
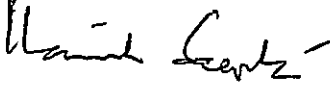
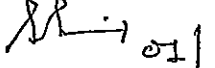

2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Imran Khan, Group – C (Clerk) : The petitioner is claiming himself as Clerk of Chengail High Madrasah, Howrah on the strength of special meeting no. 01/SPL/2015 dated 09.11.2015. The headmaster however, categorically denied about the alleged recruitment of the petitioner following the rules of recruitment. The Headmaster also did not grant any Work Done Certificate in favour of Imran Khan. There is no signature of Imran Khan in the official Attendance Register. The D.I. of Schools by filing a report submitted that the claim of Imran Khan as Clerk of Chengail High Madrasah, Howrah is false and fabricated. We also do not find any resolution in the Resolution Book about the process of recruitment of the petitioner following the rules of recruitment and the signature of the petitioner in the Attendance Register.


Under the circumstances, stated above, we are of the considered opinion that the petitioner was never recruited under the rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah as Clerk.

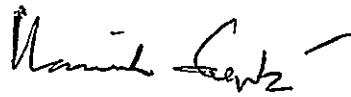
- 
1. Justice Debi Prasad Bera
(Chairman) 01/08/2023
- 
2. Shri Manish Gupta
(Member) 01/08/2023
- 
3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

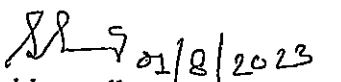
OBSERVATION

Shek Noushad Ali, Group – D : Shek Noushad Ali is a resident of Bokaro, Jharkhand. As per his statement, he did not attend the Madrasah since 2018 though he was recruited in terms of special meeting no. 01/SPL/2015 dated 09.11.2015. The Headmaster, however, categorically denied about the alleged recruitment of the petitioner following the rules of recruitment. The Headmaster also did not grant any Work Done Certificate in favour of Shek Noushad Ali. There is no signature of Shek Noushad Ali in the official Attendance Register. The D.I. of Schools by filing a report submitted that the claim of Shek Noushad Ali as Group-D of Chengail High Madrasah, Howrah is false and fabricated. We also do not find any resolution in the Resolution Book about the process of recruitment of the petitioner following the rules of recruitment and the signature of the petitioner in the Attendance Register.

Under the circumstances, stated above, we are of the considered opinion that the petitioner was never recruited under the rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah as Group-D.


1. Justice Debi Prosad Dey
(Chairman)


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Sk. Abdul Salam, Assistant Teacher, Bengali (H/PG) :He is claiming himself as Assistant Teacher of Chengail High Madrasah, Howrah on the strength of the meeting Resolution no. 01/2016 dated 17.01.2016. Admittedly, Sk. Abdul Salam never appeared in any written examination or before any Interview Board for being recruited as Assistant Teacher of the Madrasah. As per the petitioner, he could not work in the Madrasah on and from 18.09.2018 since the local villagers forcibly debarred him from entering into the Madrasah. One Work Done Certificate issued by the Secretary of the Madrasah has been filed by the petitioner. Syed Imrat Hossain has been working as Headmaster of the Madrasah since 08.10.2009 and he never had seen Sk. Abdul Salam to work as Assistant Teacher, Bengali in the Madrasah. As per the statement of the Headmaster, there is no reflection in the Attendance Register, UDISE and in the bio-metric attendance or in the Resolution Book about the attendance and working of Sk. Abdul Salam as Assistant Teacher of the Madrasah. This Madrasah introduced bio-metric system of attendance in the year 2013. The Headmaster did not issue any Work Done Certificate in favour of Sk. Abdul Salam. The D.I. of Schools corroborated such statement of the Headmaster by filing a report thereof against Sk. Abdul Salam.

Under the circumstances stated above, we are of the considered opinion that Sk. Abdul Salam was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in that Madrasah.

Debi Prosad Dey

1. Justice Debi Prosad Dey *01/08/2023*
(Chairman)

Manish Gupta

2. Shri Manish Gupta *01/08/2023*
(Member)


Shri Sripati Mukhopadhyay
01/8/2023

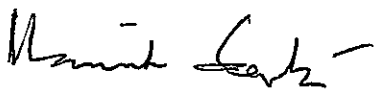
3. Shri Sripati Mukhopadhyay
(Member)

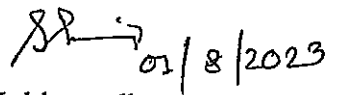
OBSERVATION

Papu Jana, Assistant Teacher, Pure Science (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Pure Science (Pass) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman)

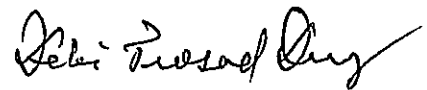

2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Anita Maity, Assistant Teacher, Pure Science (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Pure Science (Pass) for not having B.Ed. degree on the date of her alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

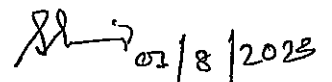
Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.



1. Justice Debi Prosad Dey 01/08/2023
(Chairman)



2. Shri Manish Gupta 01/08/2023
(Member)

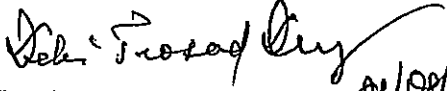


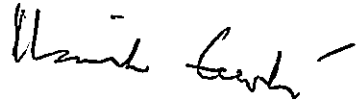
3. Shri Sripati Mukhopadhyay
(Member)

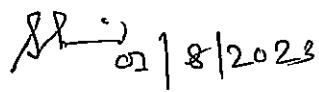
OBSERVATION

Sabina Islam, Assistant Teacher, Bio-Science (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Bio-Science (Pass) for not having B.Ed. degree on the date of her alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

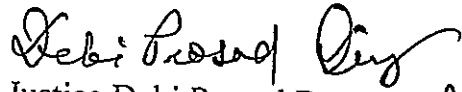
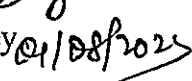

2. Shri Manish Gupta 01/08/2023
(Member)

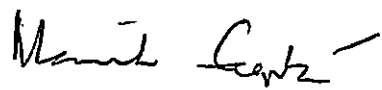
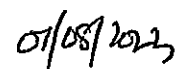

3. Shri Sripati Mukhopadhyay
(Member)

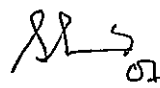
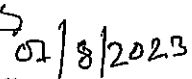
OBSERVATION

Sk. Nazmul Hossein, Assistant Teacher, Bengali (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Bengali (Pass) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey 
(Chairman)

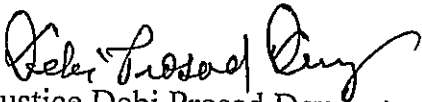

2. Shri Manish Gupta 
(Member)

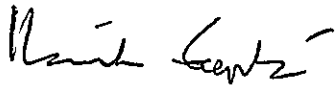

3. Shri Sripati Mukhopadhyay 
(Member)

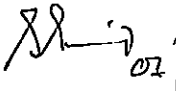
OBSERVATION

Arun Pal, Assistant Teacher, Work Education (Pass) : As per the petitioner, he was recruited following special meeting no. 02/SPL/2016 dated 08.02.2016 and he stopped attending the Madrasah since 2018. On scrutiny of the Resolution Book of the Managing Committee, we do not find any such resolution on the strength of which the petitioner has been recruited. The Headmaster has also stated that the petitioner was never recruited following the rules of recruitment and he never signed on the Attendance Register. The D.I. of School also corroborated such statement of the Headmaster. No Work Done Certificate was issued by the Headmaster. Therefore, we may safely ignore the Work Done Certificate issued by the Secretary of Chengail High Madrasah, Howrah. The petitioner also could not say that Hasib Khan was the Secretary of the Managing Committee when he joined the Madrasah.

Under the circumstances stated above, we are of the considered opinion that Arun Pal was never recruited following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 08/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Amit Das, Group – C (Clerk) : On the strength of Special meeting no. 01/SPL/2015 dated 09.11.2015, the petitioner is claiming himself to be an employee of Chengail High Madrasah, Howrah. On scrutiny of the original Resolution Book, we do not find any such resolution on the strength of which the petitioner was recruited following the rules of recruitment. The Headmaster emphatically stated that the claim of the petitioner as employee of Chengail High Madrasah, Howrah is false and fabricated and he was never recruited following the rules of recruitment. The petitioner never signed in the official Attendance Register. The D.I. of Schools also corroborated with the statement of the Headmaster. The Headmaster also never issued any Work Done Certificate in favour of the Petitioner.

Under the circumstances stated above, we are ^{of considered} ~~confident to hold~~ the opinion that the Petitioner was never recruited following the rules of ^{of} ~~recruitment~~ being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Chengail High Madrasah, Howrah.

Debi Prosad Dey

1. Justice Debi Prosad Dey
(Chairman)

Manish Gupta

2. Shri Manish Gupta
(Member)

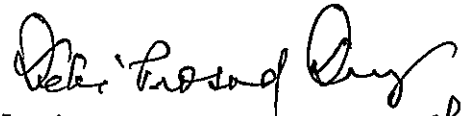
Sri Sripati Mukhopadhyay 01/8/2022

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Abdur Rafik, Group – D : On the strength of Special meeting no. 01/SPL/2015 dated 09.11.2015, the petitioner is claiming himself to be an Group-D employee of Chengail High Madrasah, Howrah. On scrutiny of the original Resolution Book, we do not find any such resolution on the strength of which the petitioner was recruited following the rules of recruitment. The Headmaster emphatically stated that the claim of the petitioner as employee of Chengail High Madrasah, Howrah is false and fabricated and he was never recruited following the rules of recruitment. The petitioner never signed in the official Attendance Register. The D.I. of Schools also corroborated with the statement of the Headmaster. The Headmaster also never issued any Work Done Certificate in favour of the Petitioner.

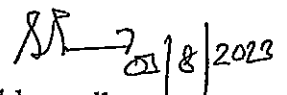
Under the circumstances stated above, we are ^{of considered} confident to hold the opinion that the Petitioner was never recruited following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Chengail High Madrasah, Howrah.



1. Justice Debi Prosad Dey 01/08/2022
(Chairman)



2. Shri Manish Gupta 01/08/2022
(Member)

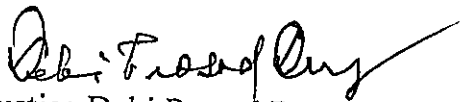


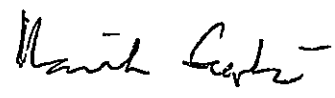
3. Shri Sripati Mukhopadhyay 01/8/2022
(Member)

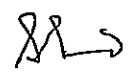
OBSERVATION

Sk. Anisur Rahaman, Group - D : On the strength of Special meeting no. 01/SPL/2015 dated 09.11.2015, the petitioner is claiming himself to be an employee of Chengail High Madrasah, Howrah. On scrutiny of the original Resolution Book, we do not find any such resolution on the strength of which the petitioner was recruited following the rules of recruitment. The Headmaster emphatically stated that the claim of the petitioner as employee of Chengail High Madrasah, Howrah is false and fabricated and he was never recruited following the rules of recruitment. The petitioner never signed in the official Attendance Register. The D.I. of Schools also corroborated with the statement of the Headmaster. The Headmaster also never issued any Work Done Certificate in favour of the Petitioner.

Under the circumstances stated above, we are ^{of considered} ~~confident~~ ^{on} to hold the opinion that the Petitioner was never recruited following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Chengail High Madrasah, Howrah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

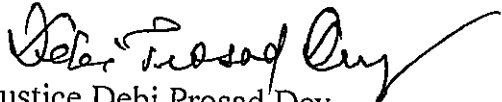

2. Shri Manish Gupta 01/08/2023
(Member)

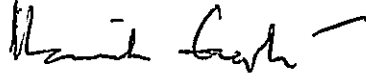

3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

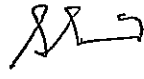
OBSERVATION

Ashadul Mondal, Assistant Teacher, Bengali (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Bengali (Pass) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

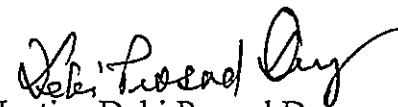

2. Shri Manish Gupta 01/08/2023
(Member)

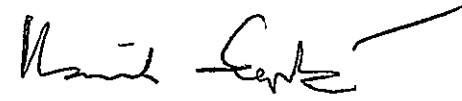

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

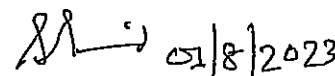
OBSERVATION

Sourav Maity, Assistant Teacher, Physics (H/PG) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Physics (H/PG) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

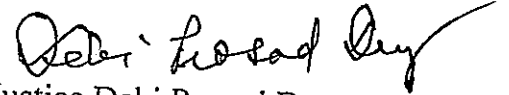

2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

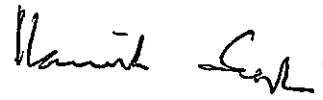
Sital Bera, Assistant Teacher, Bengali (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Bengali (Pass) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.



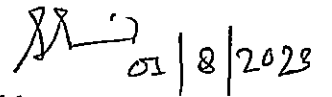
1. Justice Debi Prosad Dey
(Chairman)

09/08/2023



2. Shri Manish Gupta
(Member)

07/08/2023

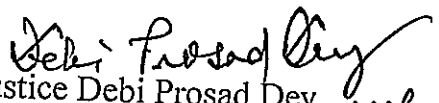


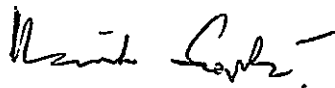
3. Shri Sripati Mukhopadhyay
(Member)

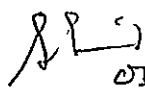
OBSERVATION

Mitupriya Jana, Assistant Tteacher, English (H/PG) : She is claiming herself to be the Assistant Teacher, English (H/PG) on the strength of Special meeting no. 01/SPL/2015 dated 09.11.2015 and that she was recruited pursuant to the direction of Hon'ble High Court at Kolkata at AST no. 192/2014, AST no. 140/2014 with MAT no. 473/2014. She has produced one Work Done Certificate issued by the Secretary for the period from 16.11.2015 to 31.08.2018. We have gone through the judgment of Hon'ble High Court as referred to hereinabove and found that no such direction has been given by Hon'ble High Court to appoint the petitioner as Assistant Teacher, English (H/PG) in the Madrasah. Syed Imrant Hossain has been working as Headmaster of the Madrasah since 08.10.2009 and he never had any occasion to see the petitioner worked as Assistant Teacher, English in the Madrasah. As per the statement of the Headmaster, there is no reflection in the Attendance Register, UDISE and in the bio-metric attendance or in the Resolution Book about the attendance and working of Mirupriya Jana as English Teacher of the Madrasah. This Madrasah introduced bio-metric system of attendance in the year 2013. The Headmaster did not issue any Work Done Certificate in favour of Mitupriya Jana. The D.I. of Schools corroborated such statement of the Headmaster by filing a report thereof against Mitupriya Jana.

Under the circumstances stated above, we are of the considered opinion that Mitupriya Jana was never recruited following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2022

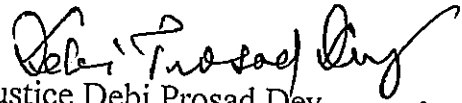

2. Shri Manish Gupta
(Member) 01/08/2022

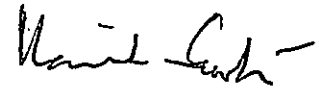

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2022


OBSERVATION

Sk. Ataur Rahaman, Assistant Teacher, History (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, History (Pass) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

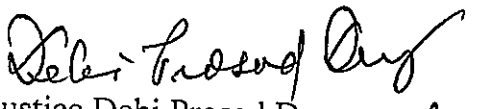

2. Shri Manish Gupta 01/08/2023
(Member)

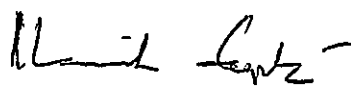

3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

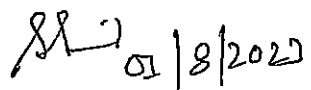
OBSERVATION

Sk. Akhtar Ali, Assistant Teacher, Arabic (H/PG) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Arabic (H/PG) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey 09/08/2022
(Chairman)

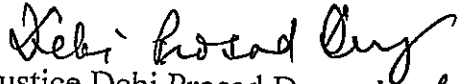

2. Shri Manish Gupta 07/08/2022
(Member)

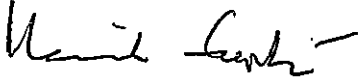

3. Shri Sripati Mukhopadhyay 01/8/2022
(Member)

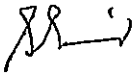
OBSERVATION

Md. Sujauddin, Assistant Teacher, Arabic (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Arabic (Pass) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

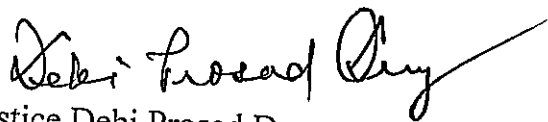

2. Shri Manish Gupta 01/08/2023
(Member)

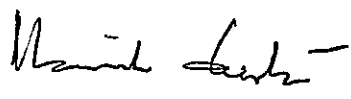

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

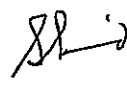
OBSERVATION

Sk. Md. Abu Usuf Ali, Assistant Teacher, Bio-Science (Pass) : The petitioner does not have the requisite qualification to be appointed as Assistant Teacher, Bio-Science (Pass) for not having B.Ed. degree on the date of his alleged appointment. We also do not find the resolution being special meeting no. 01/SPL/2015 dated 09.11.2015, in the original Resolution Book, on the strength of which the appointment letter was issued in favour of the petitioner. Headmaster, Syed Imrat Hossain, has been working in that Madrasah since 08.10.2009 and he has specifically stated by producing the Attendance Register and the Resolution Book, that the petitioner was never recruited following rules of recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never issued any Work Done Certificate. So the Work Done Certificate submitted by the petitioner can safely be ignored.

Under the circumstances, stated above, we are of the considered view that the petitioner having no requisite qualification was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

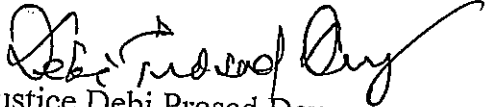

2. Shri Manish Gupta 01/08/2023
(Member)

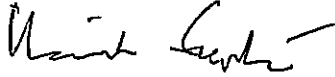

3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

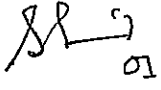
OBSERVATION

Sk. Nasibur Rahaman, Group – C (Clerk) : As per the petitioner, he was appointed in terms of special meeting no. 06/SPL/2018 dated 07.09.2018 of the Managing Committee and in terms of the direction given by Hon'ble Division Bench of Kolkata High Court in AST no. 192/2014 along with AST no. 140/2014 with MAT no. 473/2014. He has produced Work Done Certificate issued by the Secretary of the Chengail High Madrasah, Howrah upto 30.09.2022. The Headmaster Imrat Hossain has stated that there is no such resolution as stated in the appointment letter of the petitioner, in the official Resolution Book and there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. Syed Imrat Hossain has been working in that Madrasah since 08.10.2009. The Headmaster specifically stated that he did not find any resolution of the Managing Committee regarding alleged appointment of the petitioner and that the petitioner never worked as an employee of Chengail High Madrasah, Howrah. In short, the Headmaster and D.I. of Schools have categorically stated that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, we are of the considered opinion that the Petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah as there is no Work Done Certificate issued by the Headmaster and signature of the Petitioner in any official Attendance Register.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

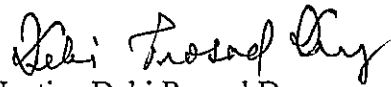
Miarul Hoque, Assistant Teacher, Arabic (H/PG) : As per the statement of the petitioner, he was appointed on 04.01.2016 and he has been working in that Madrasah on and from 07.01.2016, without having any requisite qualification (having no B. Ed. degree on the date of his alleged appointment).

As per N.C.T.E. Rules, Assistant Teachers must possess 50% in B.A./M.A. in aggregate and B.Ed. degree for being eligible to be recruited as Assistant Teacher.

The petitioner himself admitted that his appointment was purely temporary and after two years, his appointment was confirmed at a salary of Rs.2,000/- per month. The Resolution mentioned in the alleged confirmation of appointment letter of the petitioner dated 13.01.2018 does not find place in the original Resolution Book produced by the Teacher-in-Charge of the Madrasah. Teacher-in-Charge, Anwarul Haque has admitted that following the Rules of the Managing Committee, the petitioner was recruited but it is evident from the evidence that the Managing Committee did not follow the Recruitment Rules as prevalent at that point of time for Recruitment of a Teacher. No intimation was given to the D.I. of Schools in terms of Recruitment Rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The impact of such information has been culled out from sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. It is incumbent upon the School Authority/Madrasah Authority to intimate D.I. of Schools at least three months prior to the occurrence of such vacancy, since filing up of such vacancy is likely to cause financial liability of the state and that's why the mandate of sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005 has to be complied with. Curiously enough, the Teacher-in-Charge has produced some Attendance Registers bearing only the signature of the petitioners. It is apparent from the Attendance Registers of the approved teachers maintained by the Madrasah that there is no signature of the petitioner in such Attendance Registers. The Attendance Registers, claimed to be the Attendance Register of non-approved teachers like the petitioner,

produced by the Teacher-in-Charge also does not bear the signature of the Teacher-in-Charge.

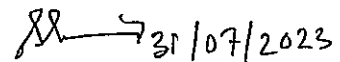
In the premises set forth above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Attendance Registers produced by the Teacher-in-Charge and the Work Done Certificate cannot be accepted on the ground that she was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never signed in the official Attendance Register maintained by the Madrasah. The separate Attendance Register for non-approved teachers produced by the Teacher-in-Charge does not bear the signature of the Teacher-in-Charge or any other competent Authority of the Madrasah to be accepted as a valid document.



1. Justice Debi Prosad Dey
(Chairman) 31/07/2023



2. Shri Manish Gupta 31/07/2023
(Member)



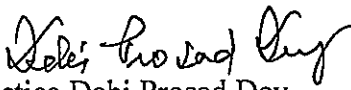
3. Shri Sripati Mukhopadhyay
(Member)

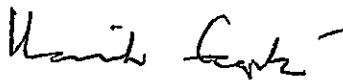
OBSERVATION

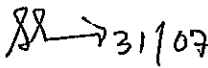
Dipannita Mandal, Assistant Teacher, Physical Education (Pass) : As per the statement of the petitioner, she was appointed on 04.01.2016 and she has been working in that Madrasah on and from 08.01.2016. The petitioner herself admitted that her appointment was purely temporary and after two years, her appointment was confirmed at a salary of Rs.2,000/- per month. The Resolution mentioned in the alleged confirmation of appointment letter of the petitioner dated 13.01.2018 does not find place in the original Resolution Book produced by the Teacher-in-Charge of the Madrasah. Teacher-in-Charge, Anwarul Haque has admitted that following the Rules of the Managing Committee, the petitioner was recruited but it is evident from the evidence that the Managing Committee did not follow the Recruitment Rules as prevalent at that point of time for Recruitment of a teacher. No intimation was given to the D.I. of Schools in terms of Recruitment Rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The impact of such information has been culled out from sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. It is incumbent upon the School Authority/Madrasah Authority to intimate D.I. of Schools at least three months prior to the occurrence of such vacancy, since filing up of such vacancy is likely to cause financial liability to the State and that's why the mandate of sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005 has to be complied with. Curiously enough, the Teacher-in-Charge has produced some Attendance Registers bearing only the signature of the petitioners. It is apparent from the Attendance Registers of the approved teachers maintained by the Madrasah that there is no signature of the petitioner in such Attendance Registers. The Attendance Register, claimed to be the Attendance Register of non-approved teachers like the petitioner,

produced by the Teacher-in-Charge, also does not bear the signature of the Teacher-in-Charge.

In the premises set forth above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Attendance Registers produced by the Teacher-in-Charge and the Work Done Certificate cannot be accepted on the ground that she was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never signed in the official Attendance Register maintained by the Madrasah. The separate Attendance Register for non-approved teachers produced by the Teacher-in-Charge of the petitioner does not bear the signature of the Teacher-in-Charge or any other competent Authority of the Madrasah to be accepted as a valid document.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta
(Member) 31/07/2023


3. Shri Sripati Mukhopadhyay
(Member) 31/07/2023

OBSERVATION

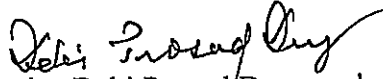
Md. Jahangir Alam, Assistant Teacher, Geography (Pass) : As per the statement of the petitioner, he was appointed on 04.01.2016 and he has been working in that Madrasah on and from 11.01.2016, without having any requisite qualification (having no B. Ed. degree on the date of his alleged appointment).

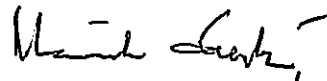
As per N.C.T.E. Rules, Assistant Teachers must possess 50% in. B.A./M.A. in aggregate and B.Ed. degree for being eligible to be recruited as Assistant Teacher.

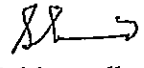
The petitioner himself admitted that his appointment was purely temporary and after two years, his appointment was confirmed at a salary of Rs.2,000/- per month. The Resolution mentioned in the alleged confirmation of appointment letter of the petitioner dated 13.01.2018 does not find place in the original Resolution Book produced by the Teacher-in-Charge of the Madrasah. Teacher-in-Charge, Anwarul Haque has admitted that following the Rules of the Managing Committee, the petitioner was recruited but it is evident from the evidence that the Managing Committee did not follow the Recruitment Rules as prevalent at that point of time for Recruitment of a Teacher. No intimation was given to the D.I. of Schools in terms of Recruitment Rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The impact of such information has been culled out from sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. It is incumbent upon the School Authority/Madrasah Authority to intimate D.I. of Schools at least three months prior to the occurrence of such vacancy, since filing up of such vacancy is likely to cause financial liability of the state and that's why the mandate of sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005 has to be complied with. Curiously enough, the Teacher-in-Charge has produced some Attendance Registers bearing only the signature of the petitioners. It is apparent from the Attendance Registers of the approved teachers maintained by the Madrasah that there is no signature of the petitioner in such Attendance Registers. The Attendance Registers, claimed to be the Attendance Register of non-approved teachers like the petitioner ,

produced by the Teacher-in-Charge also does not bear the signature of the Teacher-in-Charge.

In the premises set forth above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Attendance Registers produced by the Teacher-in-Charge and the Work Done Certificate cannot be accepted on the ground that she was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never signed in the official Attendance Register maintained by the Madrasah. The separate Attendance Registers for non-approved teachers produced by the Teacher-in-Charge of the petitioner does not bear the signature of the Teacher-in-Charge or any other competent Authority of the Madrasah to be accepted as a valid document.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

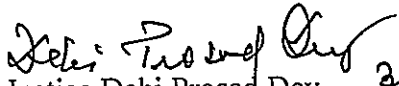

2. Shri Manish Gupta 31/07/2023
(Member)

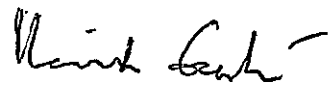

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

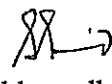
OBSERVATION

Rojina Parvin, Group - D (Matron) : As per the statement of the petitioner, she was appointed as a temporary staff on 18.12.2015 and she was confirmed on 24.12.2017 on the strength of the Resolution of the Managing Committee with a salary of Rs. 1,000/- per month. Admittedly, she never appeared in any examination for being recruited as a Group-D employee. We also do not find any Resolution in the original Resolution Book of the Managing Committee dated 24.12.2017 whereby the petitioner was allegedly confirmed. Admittedly, there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. As per the statement of Teacher-in-Charge of Batna J.M.O. Sr., Madrasah, Malda, the Rules of Recruitment were not followed in the Recruitment of the petitioner. Therefore, we may safely ignore the Work Done Certificate issued by the Teacher-in-Charge and the separate Attendance Register produced by the Teacher-in-Charge, for not having any signature of the Teacher-in-Charge or any competent Authority of the Madrasah thereon. The D.I. of Schools, Malda by filing a separate report in respect of the petitioner, has emphatically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

In the premises set forth above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah for the simple reason that she never signed in the official Attendance Register of the Madrasah.


1. Justice Debi Prosad Dey 21/07/2023
(Chairman)

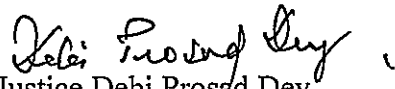

2. Shri Manish Gupta 21/07/2023
(Member)

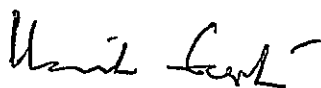

3. Shri Sripati Mukhopadhyay 21/7/2023
(Member)

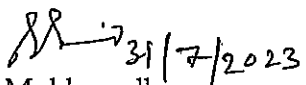
OBSERVATION

Md. Esrar Hossain, Group – C (Clerk) : As per the statement of the petitioner, he was appointed as a temporary staff on 18.12.2015 and he was confirmed on 24.12.2017 on the strength of the Resolution of the Managing Committee with a salary of Rs.1,500/- per month. Admittedly, he never appeared in any examination for being recruited as Group-C employee. We also do not find any Resolution in the original Resolution Book of the Managing Committee dated 24.12.2017 whereby the petitioner was allegedly confirmed. Admittedly, there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. As per the statement of Teacher-in-Charge of Batna J.M.O. Sr., Madrasah, Malda, the Rules of Recruitment were not followed in the Recruitment of the petitioner. Therefore, we may safely ignore the Work Done Certificate issued by the Teacher-in-Charge and the separate Attendance Register produced by the Teacher-in-Charge, for not having any signature of the Teacher-in-Charge or any competent Authority of the Madrasah thereon. The D.I. of Schools, Malda by filing a separate report in respect of the petitioner, has empathically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

In the premises set forth above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah for the simple reason that she never signed in the official Attendance Register of the Madrasah.


1. Justice Debi Prosad Dey
(Chairman)

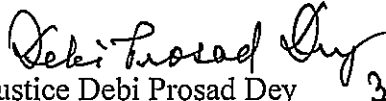

2. Shri Manish Gupta 31/07/2023
(Member)

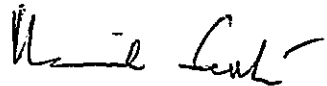

3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

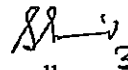
OBSERVATION

Md. Ayub Ali Molla, Assistant Teacher, Arabic (UG) : As per the statement of the petitioner, he was recruited on 04.01.2016 as Assistant Teacher, Arabic and he was confirmed by the Managing Committee on 18.001.2019 on the basis of the Resolution of the Managing Committee dated 13.01.2018 . There is no Resolution dated 13.01.2018 in the original Resolution Book. Admittedly, the petitioner could not produce any document about his acquisition of B.Ed. degree at the time of his alleged date of appointment. Secondly, he obtained 39.28% marks in aggregate. The petitioner admittedly had no requisite qualification to be appointed as Assistant Teacher. As per the statement of Anwarul Hoque, Teacher-in-Charge of Batna J.M.O. Sr., Madrasah, Malda, the Recruitment of the petitioner was not made following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The D.I. of Schools by filing a separate report has also stated that Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 was never complied with in the alleged appointment of the petitioner.

In the premises set forth above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah for the simple reason that she never signed in the official Attendance Register of the Madrasah.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

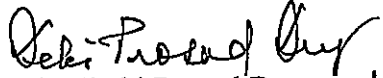

2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

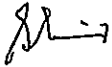
OBSERVATION

Sahenur Parvin, Group – C (Librarian) : As per the petitioner, she joined purely as Temporary Librarian and her services was confirmed by the Madrasah on the basis of the Resolution dated 24.12.2017 at a monthly salary of Rs.1,700/-. We do not find any such Resolution dated 24.12.2017 in the original Resolution Book. Admittedly, she was never recruited following the Rules of Recruitment. Anwarul Haque, Teacher-in-Charge of Batna J.M.O. Sr., Madrasah, Malda that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petitioner in the official Attendance Register. Therefore, the Work Done Certificate and the separate Attendance Register produced by the Teacher-in-Charge cannot be accepted as legal and valid document for want of signature of the Teacher-in-Charge or any other competent Authority of the Madrasah. The D.I. of Schools also corroborated by filing a written report that the Rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 was not complied with at the time of the alleged Recruitment of the petitioner.

In the premises set forth above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah for the simple reason that she never signed in the official Attendance Register of the Madrasah.


1. Justice Debi Prosad Dey 31/07/2022
(Chairman)

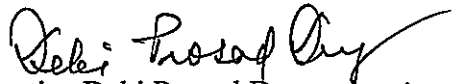
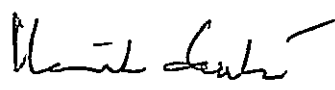
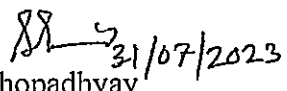

2. Shri Manish Gupta 31/07/2022
(Member)


3. Shri Sripati Mukhopadhyay 31/7/2022
(Member)

OBSERVATION

Rakesh Gazi, Assistant Teacher, Bengali (UG) : Admittedly, the petitioner was appointed as temporary Teacher and his service was confirmed by the Madrasah by its Resolution dated 13.01.2018 of monthly salary of Rs.1,750/-. We do not find any Resolution dated 13.01.2018 of the Managing Committee in the original Resolution Book. The Teacher-in-Charge has admitted that the petitioner was not recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The D.I. of Schools by filing a report has also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The petitioner admitted that he had no requisite qualification at the time of his alleged joining in the Madrasah. It is apparent that the Teacher-in-Charge has tried to give some sort of legality to the appointment of the petitioner by producing a separate Attendance Register without having any signature of the Teacher-in-Charge or any other competent Authority of the Madrasah.

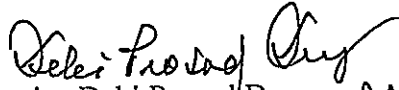
In the premises set forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited in the Madrasah following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah (for not having any signature on the official Attendance Register maintained by the Madrasah).

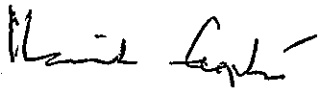
- 
1. Justice Debi Prosad Dey 31/07/2023
(Chairman)
- 
2. Shri Manish Gupta 31/07/2023
(Member)
- 
3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

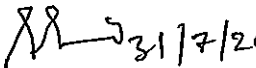
OBSERVATION

Rakesh De, Assistant Teacher, Bio-Science (Pass) : The petitioner is claiming that he has been recruited on 26.09.2016 and has been working as Assistant Teacher, Bio-Science since 28.09.2016. However, the petitioner has further stated that he has produced two appointment letters dated 26.09.2016 and 04.02.2019. It appears from his statement that he was pursuing degree course in B.Sc. in the academic session of 2017 to 2019. Two joining letters of different dates raised serious doubts about the appointment of the petitioner in the Madrasah. The D.I. of Schools has categorically stated that the petitioner was never recruited following Rules of Recruitment. Anwarul Haque, Teacher-in-Charge also did not find any Resolution in the Resolution Book as has been mentioned in the so-called appointment of the petitioner. The Teacher-in-Charge never saw the petitioner to attend the Madrasah or to work in the Madrasah in any capacity.

In the premises set-forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 & govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah (for not having his signature in the official Attendance Register of the Madrasah).


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

OBSERVATION

Md. Faridul Islam, Assistant Teacher, Theology (H/PG) : The petitioner is claiming that she has been recruited on 04.02.2019 and has been working as Assistant Teacher, Theology since 05.02.2019. The D.I. of Schools has categorically stated that the petitioner was never recruited following Rules of Recruitment. Anwarul Haque, Teacher-in-Charge also did not find any Resolution in the Resolution Book as has been mentioned in the so-called appointment of the petitioner. The Teacher-in-Charge never saw the petitioner to attend the Madrasah or to work in the Madrasah in any capacity.

In the premises set-forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah (for not having his signature in the official Attendance Register of the Madrasah).

Debi Prosad Dey

1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

Manish Gupta

2. Shri Manish Gupta 31/07/2023
(Member)

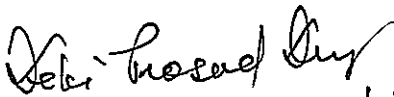
Shri Sripati Mukhopadhyay 31/07/2023

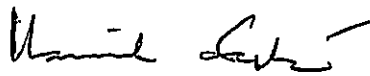
3. Shri Sripati Mukhopadhyay
(Member)

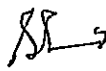
OBSERVATION

Mst. Rupa Khatun, Assistant Teacher, Theology (H/PG) : The petitioner is claiming that she has been recruited on 04.02.2019 and has been working as Assistant Teacher, Theology since 05.02.2019. The D.I. of Schools has categorically stated that the petitioner was never recruited following Rules of Recruitment. Anwarul Haque, Teacher-in-Charge also did not find any Resolution in the Resolution Book as has been mentioned in the so-called appointment of the petitioner. The Teacher-in-Charge never saw the petitioner to attend the Madrasah or to work in the Madrasah in any capacity.

In the premises set-forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah (for not having her signature in the official Attendance Register of the Madrasah).


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

OBSERVATION


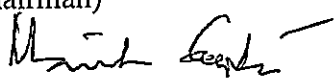
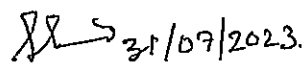
Arijit Purkait, Assistant Teacher, Pure Science (Pass) : The petitioner having no requisite qualification to be appointed as Assistant Teacher (not having B.Ed. degree on the date of his alleged appointment in the Madrasah). He is claiming that being recruited on 26.09.2019, he has been working in the Madrasah since 28.09.2019. Admittedly, the petitioner was pursuing his B.Ed. degree in the academic session of 2017-2019 as a regular student and obtained the B.Ed. degree on 19.11.2019. That goes to say that being a regular student of a degree course, he had no reason to join as Assistant Teacher on 26.09.2019. The residential house of the petitioner is about 500 kms. away from his Madrasah. As per the petitioner, he actually joined the Madrasah on 26.09.2016 but subsequently, the secretary Md. Rafiqul Alam issued another appointment letter dated 04.02.2019. He has submitted another joining letter without having any date. He never signed in the official Attendance Register but he used to sign on a separate Attendance Register.

The petitioner has admitted that the appointment letter and joining letter dated 04.02.2019 and 05.02.2019 respectively were prepared after 21.03.2023 i.e. the date of the filing of his representation. He never appeared in any written examination or before any Interview Board for being recruited as Teacher of the Madrasah.

It is apparent from the statement of the petitioner that at the behest of the Secretary and the Teacher-in-Charge the appointment letter dated 04.02.2019 and joining letter dated 05.02.2019 have been manufactured and that's why there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Teacher-in-Charge has also categorically stated that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah. The D.I. of Schools, Malda, Sujit Samanta has also filed a report stating inter-alia that the petitioner was never appointed in the Madrasah by following Rules of Recruitment.

We also do not find any Resolution in the official Resolution Book about the Recruitment of the petitioner following Rules of Recruitment.

In the premises set-forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah (for not having her signature in the official Attendance Register of the Madrasah).

1.  31/07/2023
(Chairman)
2.  31/07/2023
(Member)
3.  31/07/2023.
(Member)

OBSERVATION

Md. Wasim Bari Khan, Assistant Teacher, Arabic (Pass) : The petitioner is claiming that he was appointed as Assistant Teacher, Arabic (Pass) of Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur on 29.01.2016 and he has been working in that Madrasah as Assistant Teacher, Arabic (Pass) since 01.02.2016.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

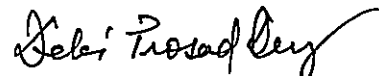
The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Arabic (Pass) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date. The A.D.I., Contai /D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and

thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and its Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and its Managing Committee were not recognized by the Board at least since 2016.

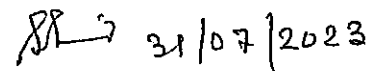
Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.



1. Justice Debi Prosad Dey
(Chairman) 31/07/2023



2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Samim Ali, Assistant Teacher, History (H/PG) : The petitioner is claiming that he was appointed as Assistant Teacher, History (H/PG) of Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur on 29.01.2016 and he has been working in that Madrasah as Assistant Teacher, History (H/PG) since 01.02.2016.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

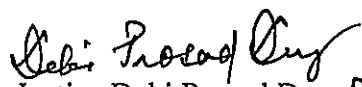
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, History (H/PG) and there was no valid sanction of the Madrasah or its Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and its Managing Committee were not recognized on the fateful date. The A.D.I. Contai D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and


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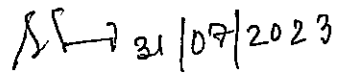
thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and its Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and its Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Najma Khatun, Assistant Teacher, Bengali (Pass) : The petitioner claimed that she was appointed as Assistant Teacher, Bengali (Pass) of Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur on 29.01.2016 and she has been working in that Madrasah till 01.02.2016. She obtained only 43.6% marks in aggregate in her B.A examination and she had no B.Ed./D.L. Ed. degree on the date of her joining at the Madrasah. She is the maternal niece of the then Secretary, Ahmed Hossain Ali Shah of such Madrasah.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

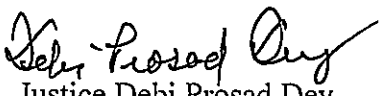
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Bengali (Pass) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date.

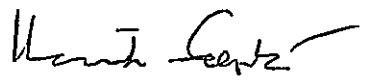
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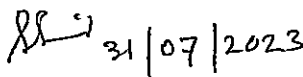
The A.D.I., Contai/D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


1. Justice Debi Prosad Dey
(Chairman) 30/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Maidul Ali Shah, Assistant Teacher, Geography (H/PG) : The claim of the petitioner is that he was appointed as Assistant Teacher, Geography (H/PG) on 29.01.2016 and he has been working in the Madrasah since 02.02.2016. Admittedly, the petitioner had no B.Ed./D.L.Ed. degree on the date of his joining and he obtained on 48.62% marks in his B.A. examination. It is apparent from the educational qualification of the petitioner, that he had no requisite qualification to be appointed as Assistant Teacher. Interestingly, the petitioner has stated that Motaher Hossain Shah is the Teacher-in-Charge of such Madrasah and he is the son of Ahammed Hossain Ali Shah, the Secretary of the Madrasah.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

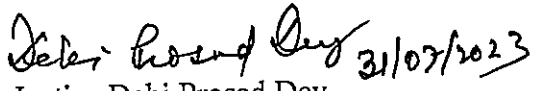
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Geography (H/PG) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment

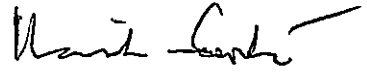
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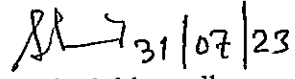
letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date. The A.D.I., Contai/D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/23
(Member)

OBSERVATIONS


Sonali Khatun, Assistant Teacher, Bio-Science (Pass) : the petitioner is claiming that she was appointed on 29.01.2016 as Assistant Teacher, Bio-Science (Pass) and she has been working in the Madrasah since 02.02.2016. Admittedly, she obtained B.Ed. degree as a regular student from Ramnagar B.Ed. College in the academic year 2016-2018. It is apparent from her educational qualification that she had no requisite qualification to be appointed as Assistant Teacher, Bio-Science (Pass) on the date of her alleged recruitment.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Bio-Science (Pass) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date.

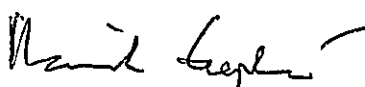

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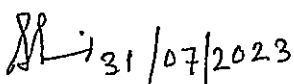
The A.D.I., Contai/D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta
(Member) 31/07/2023


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Sk. Aual Tullah, Group – C (Clerk) : The petitioner is claiming that he was appointed as Group-C (Clerk) on 02.02.2016 under 10% Management Quota of the Managing Committee and he has been working since 05.02.2016 as Group – C (Clerk). As per the petitioner, the Secretary of the Managing Committee simply handed over the appointment letter to him and he was not recruited following the Rules of Recruitment.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah.

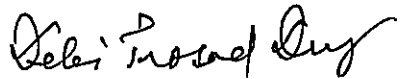
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Group – C (Clerk) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date. The A.D.I., Contai D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such

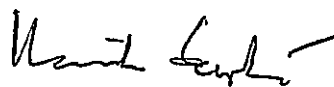
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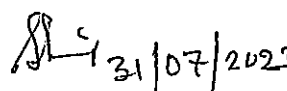
appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta
(Member) 31/07/2023


3. Shri Sripati Mukhopadhyay
(Member) 31/07/2023

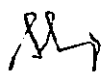
OBSERVATIONS

Deen Mahammad, Assistant Teacher, Work/Physical Education (Pass) : The petitioner is claiming that he was appointed on 19.08.2017 as Assistant Teacher, Work/Physical Education (Pass) in the Madrasah and he has been working in the Madrasah since 22.08.2017. The petitioner admitted that from 24.08.2017 to 13.09.2019 he was on verbally for pursuing his B.Ed. degree from Netaji Subhas Chandra Institute, Heria and thereby obtained the B.Ed. degree in the year 2019. Curiously enough, the Work Done Certificate reveals that the petitioner has been working in the Madrasah from 22.08.2017 to 13.04.2022 and there is no whisper that the petitioner was actually pursuing his B.Ed. degree from 24.08.2017 to 13.09.2019. Moreover, the Assistant Teacher, Work/Physical Education must have B.P. Ed. degree and the petitioner had no B.P. Ed. degree on the date of his joining at the Madrasah. That clearly goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, Work/Physical Education (Pass) in the Madrasah.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

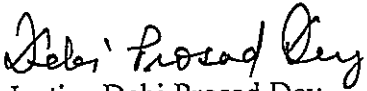
The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

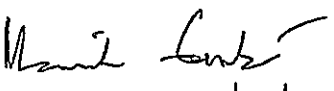

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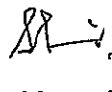
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Work/Physical Education (Pass) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date. The A.D.I., Contai/D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The documents produced by the petitioner cannot be accepted for the reasons stated above.


1. Justice Debi Prosad Dey 21/07/2023
(Chairman)


2. Shri Manish Gupta 21/07/2023
(Member)

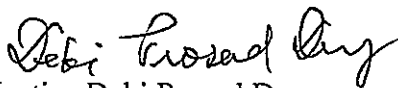

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)


OBSERVATION

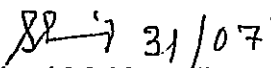
Chumki Khatun, the Petitioner attended the office of the Committee on 06.04.2023 but after signing the Attendance Register, she left the office of the Committee since her Ld. Advocate raised protest about the manner and mode of process of verification adopted by this Committee. Thereafter, notice was again served for appearance of the Petitioner but she did not appear.

In absence of any original documents, we could not verify the photostat copies of the documents filed by the Petitioner. Pursuant to the direction of Hon'ble High Court in W.P.A No. 14853 of 2021 (Chumki Khatun & Ors Vs State of West Bengal & Ors), the Directorate of Madrasah Education, West Bengal conducted enquiry and rejected the claim of the Petitioner vide memo no. 80-ME dated 20.01.2022 holding *inter-alia* that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not followed in the alleged recruitment of Chumki Khatun. Mr. Sunny Ahmed, the Head Master of Akandadanga High Madrasah as well as Mr. Dibendu Pal, D.I of Schools, Nadia have categorically stated that the photostat copies of the Resolution of the Managing Committee, Attendance Register and all other documents have been manufactured by the Petitioner. The Petitioner never worked as Group-D employee and the Petitioner was never recruited following the Rules of Recruitment. We also do not find any Resolution from the original Resolution Book produced by the Head Master of Akandadanga High Madrasah regarding initiation of recruitment process of the Petitioner. We also do not find any signature of the Petitioner in the official Attendance Register produced by the Head Master. In short, we are of the considered opinion that on the basis of false and fabricated documents, the Petitioner is claiming herself to be Group-D employee. She was never recruited following the Rules of Recruitment and she never worked at Akandadanga High Madrasah.

From the so-called photostat copy of appointment letter, it transpired that the Petitioner was alleged appointed purely on temporary basis as Group-D employee.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Samrat Sha Fakir, the Petitioner attended the office of the Committee on 06.04.2023 but after signing the Attendance Register, he left the office of the Committee since his Ld. Advocate raised protest about the manner and mode of process of verification adopted by this Committee. Thereafter, notice was again served for appearance of the Petitioner but he did not appear.

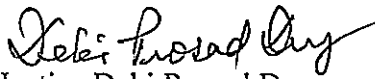
In absence of any original documents, we could not verify the photostat copies of the documents filed by the Petitioner. Pursuant to the direction of Hon'ble High Court in W.P.A No. 14853 of 2021 (Chumki Khatun & Ors Vs State of West Bengal & Ors), the Directorate of Madrasah Education, West Bengal, conducted enquiry and rejected the claim of the Petitioner vide memo no. 80-ME dated 20.01.2022 holding *inter alia* that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not followed in the alleged recruitment of Samrat Sha Fakir. Mr. Sunny Ahmed, the Head Master of Akandadanga High Madrasah as well as Mr. Dibendu Pal, D.I of Schools, Nadia have categorically stated that the photostat copies of the Resolution of the Managing Committee, Attendance Register and all other documents have been manufactured by the Petitioner. The Petitioner never worked as Group-D employee and the Petitioner was never recruited following the Rules of Recruitment. We also do not find any Resolution from the original Resolution Book produced by the Head Master of Akandadanga High Madrasah regarding initiation of recruitment process of the Petitioner. We also do not find any signature of the Petitioner in the official Attendance Register produced by the Head Master. In short, we are of the considered opinion that on the basis of false and fabricated documents, the Petitioner is claiming himself to be Group-D employee. He was never recruited following the Rules of Recruitment and he never worked at Akandadanga High Madrasah.


From the so-called photostat copy of appointment letter, it transpired that the Petitioner was alleged^{ly} appointed purely on temporary basis as Group-D employee.

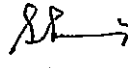
1. Justice Debi Prosad Dey 31/07/2023
(Chairman)
2. Shri Manish Gupta 31/07/2023
(Member)
3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Sahina Khatun, the Petitioner attended the office of the Committee on 06.04.2023 but after signing the Attendance Register, she left the office of the Committee since his Ld. Advocate raised protest about the manner and mode of process of verification adopted by this Committee. Thereafter, notice was again served for appearance of the Petitioner but she did not appear. In absence of any original documents, we could not verify the photostat copies of the documents filed by the Petitioner. Pursuant to the direction of Hon'ble High Court in W.P.A No. 14853 of 2021 (Chumki Khatun & Ors Vs State of West Bengal & Ors), the Directorate of Madrasah Education, West Bengal, conducted enquiry and rejected the claim of the Petitioner vide memo no. 80-ME dated 20.01.2022 holding *inter alia* that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not followed in the alleged recruitment of Sahina Khatun. Mr. Sunny Ahmed, the Head Master of Akandadanga High Madrasah as well as Mr. Dibendu Pal, D.I of Schools, Nadia have categorically stated that the photostat copies of the Resolution of the Managing Committee, Attendance Register and all other documents have been manufactured by the Petitioner. The Petitioner never worked as Asstt. Teacher Geography (pass) and the Petitioner was never recruited following the Rules of Recruitment. We also do not find any Resolution from the original Resolution Book produced by the Head Master of Akandadanga High Madrasah regarding initiation of recruitment process of the Petitioner. We also do not find any signature of the Petitioner in the official Attendance Register produced by the Head Master. In short, we are of the considered opinion that on the basis of false and fabricated documents, the Petitioner is claiming herself to be Asstt. Teacher Geography (pass). He was never recruited following the Rules of Recruitment and she never worked at Akandadanga High Madrasah.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

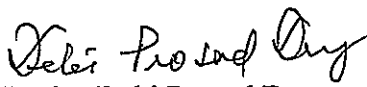
OBSERVATION


Hasan Sk, the Petitioner attended the office of the Committee on 06.04.2023 but after signing the Attendance Register, he left the office of the Committee since his Ld. Advocate raised protest about the manner and mode of process of verification adopted by this Committee. Thereafter, notice was again served for appearance of the Petitioner but he did not appear.

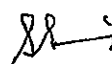
In absence of any original documents, we could not verify the photostat copies of the documents filed by the Petitioner. Pursuant to the direction of Hon'ble High Court in W.P.A No. 14853 of 2021 (Chumki Khatun & Ors Vs State of West Bengal & Ors), the Directorate of Madrasah Education, West Bengal, conducted enquiry and rejected the claim of the Petitioner vide memo no. 80-ME dated 20.01.2022 holding inter-alia that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not followed in the alleged recruitment of Hasan Sk. Mr. Sunny Ahmed, the Head Master of Akandadanga High Madrasah as well as Mr. Dibendu Pal, D.I of Schools, Nadia have categorically stated that the photostat copies of the Resolution of the Managing Committee, Attendance Register and all other documents have been manufactured by the Petitioner. The Petitioner never worked as Group-C (Clerk) and the Petitioner was never recruited following the Rules of Recruitment. We also do not find any Resolution from the original Resolution Book produced by the Head Master of Akandadanga High Madrasah regarding initiation of recruitment process of the Petitioner. We also do not find any signature of the Petitioner in the official Attendance Register produced by the Head Master.

In short, we are of the considered opinion that on the basis of false and fabricated documents, the Petitioner is claiming himself to be Group-C (Clerk). He was never recruited following the Rules of Recruitment and she never worked at Akandadanga High Madrasah.

From the so-called photostat copy of appointment letter, it transpired that the Petitioner was alleged^{ly} appointed purely on temporary basis as Group-C (Clerk) employee.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta
(Member) 21/07/2023

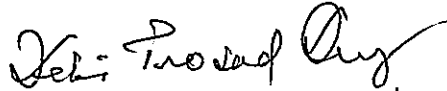

3. Shri Sripati Mukhopadhyay
(Member) 31/07/2023


OBSERVATION

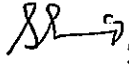
Hafizur Rahaman Mir, the Petitioner attended the office of the Committee on 06.04.2023 but after signing the Attendance Register, he left the office of the Committee since his Ld. Advocate raised protest about the manner and mode of process of verification adopted by this Committee. Thereafter, notice was again served for appearance of the Petitioner but he did not appear.

In absence of any original documents, we could not verify the photostat copies of the documents filed by the Petitioner. Pursuant to the direction of Hon'ble High Court in W.P.A No. 14853 of 2021 (Chumki Khatun & Ors Vs State of West Bengal & Ors), the Directorate of Madrasah Education, West Bengal, conducted enquiry and rejected the claim of the Petitioner vide memo no. 80-ME dated 20.01.2022 holding *inter alia* that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not followed in the alleged recruitment of Hafizur Rahaman Mir. Mr. Sunny Ahmed, the Head Master of Akandadanga High Madrasah as well as Mr. Dibendu Pal, D.I of Schools, Nadia have categorically stated that the photostat copies of the Resolution of the Managing Committee, Attendance Register and all other documents have been manufactured by the Petitioner. The Petitioner never worked as Asstt. Teacher Bengali (H/PG) and the Petitioner was never recruited following the Rules of Recruitment. We also do not find any Resolution from the original Resolution Book produced by the Head Master of Akandadanga High Madrasah regarding initiation of recruitment process of the Petitioner. We also do not find any signature of the Petitioner in the official Attendance Register produced by the Head Master. In short, we are of the considered opinion that on the basis of false and fabricated documents, the Petitioner is claiming himself to be Asstt. Teacher Bengali (H/PG). He was never recruited following the Rules of Recruitment and he never worked at Akandadanga High Madrasah.

From the so-called photostat copy of appointment letter, it transpired that the Petitioner was ~~alleged~~ ^{by} appointed purely on temporary basis as Asstt. Teacher Bengali (H/PG) employee.



1. Justice Debi Prosad Dey 31/07/2023
(Chairman)



2. Shri Manish Gupta 31/07/2023
(Member)

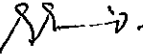

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Md. Rahul Sk, the Petitioner attended the office of the Committee on 06.04.2023 but after signing the Attendance Register, he left the office of the Committee since his Ld. Advocate raised protest about the manner and mode of process of verification adopted by this Committee. Thereafter, notice was again served for appearance of the Petitioner but he did not appear. In absence of any original documents, we could not verify the photostat copies of the documents filed by the Petitioner. Pursuant to the direction of Hon'ble High Court in W.P.A No. 14853 of 2021 (Chumki Khatun & Ors Vs State of West Bengal & Ors), the Directorate of Madrasah Education, West Bengal, conducted enquiry and rejected the claim of the Petitioner vide memo no. 80-ME dated 20.01.2022 holding *inter alia* that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not followed in the alleged recruitment of Md. Abubakkar Sk. Mr. Sunny Ahmed, the Head Master of Akandadanga High Madrasah as well as Mr. Dibendu Pal, D.I of Schools, Nadia have categorically stated that the photostat copies of the Resolution of the Managing Committee, Attendance Register and all other documents have been manufactured by the Petitioner. The Petitioner never worked as Asstt. Teacher Math (pass) and the Petitioner was never recruited following the Rules of Recruitment. We also do not find any Resolution from the original Resolution Book produced by the Head Master of Akandadanga High Madrasah regarding initiation of recruitment process of the Petitioner. We also do not find any signature of the Petitioner in the official Attendance Register produced by the Head Master. In short, we are of the considered opinion that on the basis of false and fabricated documents, the Petitioner is claiming himself to be Asstt. Teacher Math (pass). He was never recruited following the Rules of Recruitment and he never worked at Akandadanga High Madrasah. From the so-called photostat copy of appointment letter, it transpired that the Petitioner was alleged appointed purely on temporary basis as Asstt. Teacher Math (pass) employee.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Farhana Parvin:- The petitioner, Farhana Parvin obtained 45.14% of marks in her B.A. examination in aggregate. That goes to show that she had no requisite qualification to be appointed as Assistant Teacher, English (Pass) as per N.C.T.E. Rule. The Teacher-in-charge of the Madrasah, Sk. Md. Iyamin has stated that Farhana Parvin is the daughter of the Teacher-in-charge, Akhtar Ali Mondal. At the time of her alleged recruitment, Akhtar Ali Mondal, was the Teacher-in-charge of the Madrasah.

The petitioner specifically stated that the vacancy was published in the Bartaman, the Bengali Newspaper. On scrutiny of the said paper, we find that the advertisement was given for recruitment of some temporary teachers on short term basis and the advertisement was also not published in terms of the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The District Inspector of School, Howrah has also stated that in terms of Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016, the recruitment was not made. It was necessary to publish advertisement in two State Level Dailies for filling up the vacancies by the Madrasah in terms of the Rule No. 4(1), as per proforma given in the annexure- (1) of the said Rule. Mere production of such publication in Bengali Newspaper, does not reveal that the Rules of Recruitment as mentioned herein above, had been duly complied with. The D.I. of Schools, Howrah, further stated that the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 have not been complied with by the Managing Committee of the Madrasah in the alleged recruitment of the petitioner, Farhana Parvin. The Teacher-in-charge of the Madrasah has also stated that the signature in the Work Done Certificate by the Teacher-in-charge, Sk. Iyamin had been forged and manufactured. He never granted any Work Done Certificate in favour of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Resolution dated 20/12/2019 also does not reveal the prior permission was taken from D.I. of Schools or intimation was given to the Government about the alleged recruitment of the petitioner. It may be pointed out that the Teacher-in-charge of the Madrasah has specifically stated that since March, 2020, the petitioner did not attend the Madrasah.

Considering the materials in record as well as the statement of the petitioner, the Teacher-in-charge of the Madrasah and the report and statement of the D.I. of Schools, Howrah, we are of the considered opinion that Farhana Parvin was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah as Assistant Teacher.

Debi Prosad Dey 02/08/2023
1) Justice Debi Prosad Dey
(Chairman)

Manish Gupta
2) Shri Manish Gupta 02/08/2023
(Member)

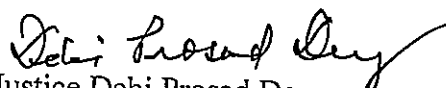
Shri Sripati Mukhopadhyay 02/8/23
3) Shri Sripati Mukhopadhyay
(Member)

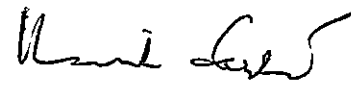
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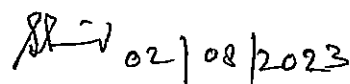
Sk. Samsul Bari:- The petitioner, Sk. Sumsul Bari is claiming himself as legally recruited as Assistant Teacher, Math (H/PG) in Abdul Motalib High Madrasah (HS), Howrah since 28/12/2019.

Admittedly, in terms of the Resolution No. 08 dated 05/11/2019 of the Managing Committee of the Madrasah, an advertisement was published in the Newspaper for recruitment of some teachers on short term basis. Such advertisement has not been published following the Rules of Recruitment, in terms of 4(1), as per the proforma given in annexure 1 of the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The Assistant Teacher-in-charge, Sk. Md. Iyamin has stated that the Work Done Certificate produced by the petitioner, does not bear the signature of the petitioner and the signature of the petitioner had been manufactured. The Teacher-in-charge of the Madrasah witnessed that the petitioner attended the Madrasah up to the month March, 2020 and thereafter, the petitioner did not attend the Madrasah. During that period also, the petitioner did not sign on the official Attendance Register and did not work as Assistant Teacher of such Madrasah. The District Inspector of Schools, Howrah, also stated by filing a report that the petitioner was never recruited following the Rules of recruitment. There is no signature of the petitioner in the official Attendance Register. The Resolution dated 20/12/2019 with a meeting no. 9/2019, does not reveal that the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. The Work Done Certificate has also been manufactured.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked as permanent teacher in the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 02/08/2023


2) Shri Manish Gupta 02/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Rubina Amin:- The petitioner, Rubina Amin obtained 41.84% of marks in her B.A. examination in aggregate. That goes to show that she had no requisite qualification to be appointed as Assistant Teacher, Arabic (Pass) as per N.C.T.E. Rule.

The petitioner specifically stated that the vacancy was published in the Bartaman, the Bengali Newspaper. On scrutiny of the said paper, we find that the advertisement was given for recruitment of some temporary teachers on short term basis and the advertisement was also not published in terms of the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The District Inspector of Schools, Howrah has also stated that in terms of Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016, the recruitment was not made. It was necessary to publish advertisement in two State Level Dailies for filling up the vacancies by the Madrasah in terms of the Rule No. 4(1), as per proforma given in the annexure- (1) of the said Rule. Mere production of such publication in Bengali Newspaper, does not reveal that the Rules of Recruitment as mentioned herein above, had been duly complied with. The D.I. of Schools, Howrah, further stated that the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 have not been complied with by the Managing Committee of the Madrasah in the alleged recruitment of the petitioner, Rubina Amin. The Teacher-in-charge of the Madrasah has also stated that the signature in the Work Done Certificate by the Teacher-in-charge, Sk. Iyamin had been forged and manufactured. He never granted any Work Done Certificate in favour of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Resolution dated 20/12/2019 also does not reveal the prior permission was taken from D.I. of Schools or intimation was given to the Government about the alleged recruitment of the petitioner. It may be pointed out that the Teacher-in-charge of the Madrasah has specifically stated that since March, 2020, the petitioner did not attend the Madrasah.

Considering the materials in record as well as the statement of the petitioner, the Teacher-in-charge of the Madrasah and the report and statement of the D.I. of School, Howrah, we are of the considered opinion that Rubina Amin was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah as Assistant Teacher.

Debi Prosad Dey
1) Justice Debi Prosad Dey
(Chairman) 02/08/2023

Manish Gupta
2) Shri Manish Gupta 02/08/2023
(Member)

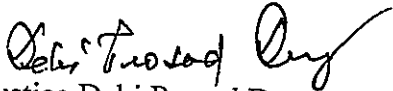
Sripati Mukhopadhyay
3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

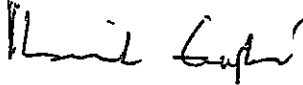
OBSERVATION

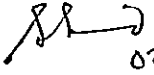
Shaikh Ainul Ali:- The petitioner, Shaikh Ainul Ali is claiming himself as legally recruited as Assistant Teacher, Bio Science (Pass) in Abdul Motalib High Madrasah (HS), Howrah since 28/12/2019.

Admittedly, in terms of the Resolution No. 08 dated 05/11/2019 of the Managing Committee of the Madrasah, an advertisement was published in the Newspaper for recruitment of some teachers on short term basis. Such advertisement has not been published following the Rules of Recruitment, in terms of 4(1), as per the proforma given in annexure 1 of the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The Assistant Teacher-in-charge, Sk. Md. Iyamin has stated that the Work Done Certificate produced by the petitioner, does not bear the signature of the petitioner and the signature of the petitioner had been manufactured. The Teacher-in-charge of the Madrasah witnessed that the petitioner attended the Madrasah up to the month March, 2020 and thereafter, the petitioner did not attend the Madrasah. During that period also, the petitioner did not sign on the official Attendance Register and did not work as Assistant Teacher of such Madrasah. The District Inspector of Schools, Howrah, also stated by filing a report that the petitioner was never recruited following the Rules of recruitment. There is no signature of the petitioner in the official Attendance Register. The Resolution dated 20/12/2019 with a meeting no. 9/2019, does not reveal that the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. The Work Done Certificate has also been manufactured.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked as permanent teacher in the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 02/08/2023


2) Shri Manish Gupta
(Member) 02/08/2023

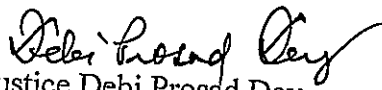

3) Shri Sripati Mukhopadhyay
(Member) 02/8/2023

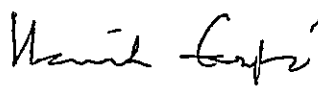
OBSERVATION

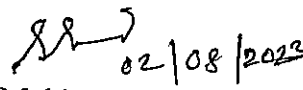
Kazi Md. Jahirul Hassan The petitioner, Kazi Md. Jahirul Hassan is claiming himself as legally recruited as Assistant Teacher, Physics (H/PG) in Abdul Motalib High Madrasah (HS), Howrah since 28/12/2019.

Admittedly, in terms of the Resolution No. 08 dated 05/11/2019 of the Managing Committee of the Madrasah, an advertisement was published in the Newspaper for recruitment of some teachers on short term basis. Such advertisement has not been published following the Rules of Recruitment, in terms of 4(1), as per the proforma given in annexure 1 of the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The Assistant Teacher-in-charge, Sk. Md. Iyamin has stated that the Work Done Certificate produced by the petitioner, does not bear the signature of the petitioner and the signature of the petitioner had been manufactured. The Teacher-in-charge of the Madrasah witnessed that the petitioner attended the Madrasah up to the month March, 2020 and thereafter, the petitioner did not attend the Madrasah. During that period also, the petitioner did not sign on the official Attendance Register and did not work as Assistant Teacher of such Madrasah. The District Inspector of Schools, Howrah, also stated by filing a report that the petitioner was never recruited following the Rules of recruitment. There is no signature of the petitioner in the official Attendance Register. The Resolution dated 20/12/2019 with a meeting no. 9/2019, does not reveal that the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. The Work Done Certificate has also been manufactured.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked as permanent teacher in the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 02/08/2023


2) Shri Manish Gupta
(Member) 02/08/2023

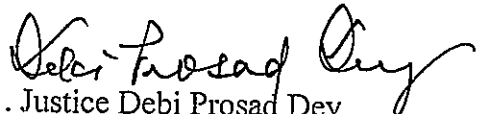

3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

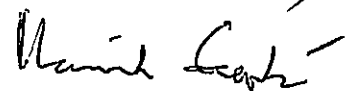
OBSERVATION

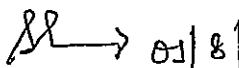
Jinat Parveen, Assistant Teacher, Bengali (H/PG) : The Petitioner is claiming that she has been appointed as Assistant Teacher, Bengali (H/PG) in terms of Special Meeting No. 04 dated 27.02.2016. On scrutiny of the original Resolution Book, we do not find any such resolution dated 27.02.2016. The Petitioner had no requisite qualification on the date of her alleged recruitment in Ajangachi High Madrasah, Howrah. Mijanur Islam, Headmaster specifically stated that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and she never worked as Assistant Teacher, Bengali (H/PG) of the Madrasah. The claim of the Petitioner is false and fabricated. Ajoy Kumar Pal, the D.I. of Schools, Howrah also stated by filing a report thereof that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015.

The Work Done Certificate was never issued by the Headmaster of the Madrasah in favour of the Petitioner. We also do not find the signature of the Petitioner in the official attendance register.

Under the circumstances stated above, we are of the considered view that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

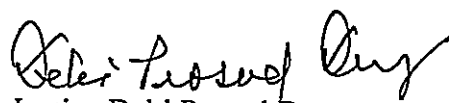

2. Shri Manish Gupta 01/8/2023
(Member)

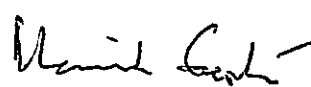

3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

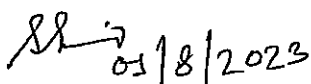
OBSERVATION

Niroja Jafrin, Group-C (Clerk) : The Petitioner is claiming that she has been appointed as Group-C (Clerk) in terms of Special Meeting No. 04 dated 27.02.2016. On scrutiny of the original Resolution Book, we do not find any such resolution dated 27.02.2016. Mijanur Islam, Headmaster specifically stated that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and she never worked as Group-C (Clerk) of the Madrasah. The claim of the Petitioner is false and fabricated. Ajoy Kumar Pal, the D.I. of Schools, Howrah also stated by filing a report thereof that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015. The Work Done Certificate was never issued by the Headmaster of the Madrasah in favour of the Petitioner. We also do not find the signature of the Petitioner in the official attendance register.

Under the circumstances stated above, we are of the considered view that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

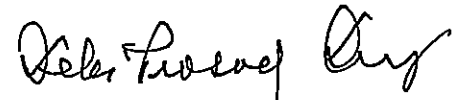

2. Shri Manish Gupta 01/8/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

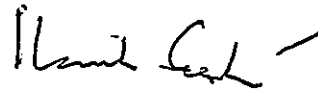
Kishar Sasmal, Group-D : The Petitioner is claiming himself to have been recruited as Group-D employee in terms of Special Meeting No. SPL-02/AHM/2015 dated 09.11.2015. On scrutiny of the original Resolution book of the Managing Committee, we do not find any such Resolution adopted by the Managing Committee for recruitment of the Petitioner. Admittedly, the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015. The Headmaster, Mijanur Islam, did not grant any Work Done Certificate in his favour and the Petitioner never signed in the original attendance register as employee of the Madrasah. The D.I. of Schools, Howrah also corroborated that the Petitioner was never recruited following the Rules of Recruitment.

In absence of any legal and viable document, we are of the considered opinion that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.



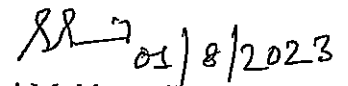
1. Justice Debi Prosad Dey
(Chairman)

01/08/2023



2. Shri Manish Gupta
(Member)

01/8/2023



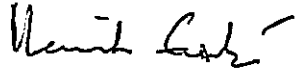
3. Shri Sripati Mukhopadhyay
(Member)

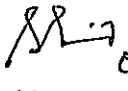
OBSERVATION

Panchanan Malik, Group-C (Clerk) : The Petitioner is claiming himself to have been recruited as Group-C employee on 09.11.2015 in terms of Special Meeting No. SPL-02/AHM/2015 dated 09.11.2015. On scrutiny of the original Resolution book of the Managing Committee, we do not find any such Resolution adopted by the Managing Committee for recruitment of the Petitioner. Admittedly, the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015. The Headmaster, Mijanur Islam, did not grant any Work Done Certificate in his favour and the Petitioner never signed in the original attendance register as employee of the Madrasah. The D.I. of Schools, Howrah also corroborated that the Petitioner was never recruited following the Rules of Recruitment.

In absence of any legal and viable document, we are of the considered opinion that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

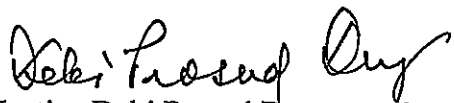

2. Shri Manish Gupta 01/8/2023
(Member)

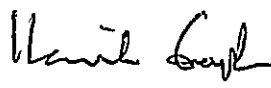

3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

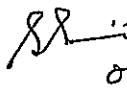
OBSERVATION

Md. Kousir Ali, Group – D : The Petitioner is claiming himself to have been recruited as Group-D employee on 09.11.2015 in terms of Special Meeting No. SPL-02/AHM/2015 dated 09.11.2015. On scrutiny of the original Resolution book of the Managing Committee, we do not find any such Resolution adopted by the Managing Committee for recruitment of the Petitioner. Admittedly, the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015. The Headmaster, Mijanur Islam, did not grant any Work Done Certificate in his favour and the Petitioner never signed in the original attendance register as employee of the Madrasah. The D.I. of Schools, Howrah also corroborated that the Petitioner was never recruited following the Rules of Recruitment.

In absence of any legal and viable document, we are of considered opinion that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.

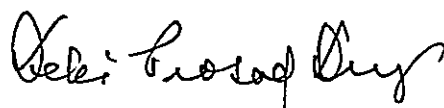

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/8/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

OBSERVATION

Soma Das Pal, Assistant Teacher, History (H/PG) : The Petitioner is claiming herself to have been recruited as Assistant Teacher, History (H/PG) in Ajangachi High Madrasah on the strength of Special Meeting No. SPL-02/AHM/2015 dated 09.11.2015. Admittedly, the Petitioner had no requisite qualification to be appointed as Assistant Teacher, History (H/PG). On scrutiny of the original Resolution book of the Managing Committee, we do not find any such Resolution adopted by the Managing Committee for recruitment of the Petitioner. Admittedly, the respective Teacher-in-Charge and Headmaster never granted any Work Done Certificate in favour of the petitioner. There is nothing in the resolution book that the Petitioner was ever appointed in the Madrasah following the Rules of Recruitment being No.93-SE/10R-14/2013 dated 09.02.2015. The D.I. of Schools, Howrah also corroborated such fact by filing a report thereof. In absence of legal and valid document to establish that the Petitioner was recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015, we are of the considered opinion that the Petitioner having no requisite qualification to be appointed as Assistant Teacher, History (H/PG) was never recruited as Assistant Teacher, History (H/PG) following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.



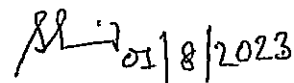
1. Justice Debi Prosad Dey
(Chairman)

01/08/2023



2. Shri Manish Gupta
(Member)

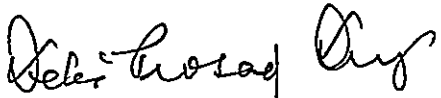
01/08/2023

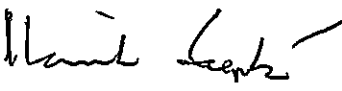


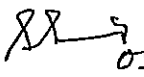
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Pratima Jana, Assistant Teacher, Bengali (Pass) : The Petitioner is claiming herself to have been recruited as Assistant Teacher, Bengali (Pass) in Ajangachi High Madrasah on the strength of Special Meeting No. SPL-02/AHM/2015 dated 09.11.2015. Admittedly, the Petitioner had no requisite qualification to be appointed as Assistant Teacher, Bengali (Pass). On scrutiny of the original Resolution book of the Managing Committee, we do not find any such Resolution adopted by the Managing Committee for recruitment of the Petitioner. Admittedly, the respective Teacher-in-Charge and Headmaster never granted any Work Done Certificate in favour of the Petitioner. There is nothing in the resolution book that the Petitioner was ever appointed in the Madrasah following the Rules of Recruitment being No.93-SE/10R-14/2013 dated 09.02.2015. The D.I. of Schools, Howrah also corroborated such fact by filing a report thereof. In absence of legal and valid document to establish that the Petitioner was recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015, we are of the considered opinion that the Petitioner having no requisite qualification to be appointed as Assistant Teacher, Bengali (Pass) was never recruited as Assistant Teacher, Bengali (Pass) following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.

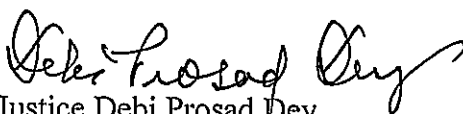

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

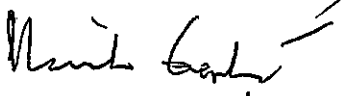

2. Shri Manish Gupta 01/8/2023
(Member)

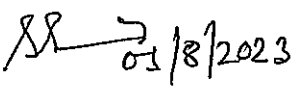

3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

OBSERVATION

Amit Rana, Assistant Teacher, Pure Science (Pass) : The Petitioner is claiming himself to have been recruited as Assistant Teacher, Pure Science (Pass) in Ajangachi High Madrasah on the strength of Special Meeting No. SPL-02/AHM/2015 dated 09.11.2015. Admittedly, the Petitioner had no requisite qualification to be appointed as Assistant Teacher, History (H/PG). On scrutiny of the original Resolution book of the Managing Committee, we do not find any such Resolution adopted by the Managing Committee for recruitment of the Petitioner. Admittedly, the respective Teacher-in-Charge and Headmaster never granted any Work Done Certificate in favour of the petitioner. There is nothing in the resolution book that the Petitioner was ever appointed in the Madrasah following the Rules of Recruitment being No.93-SE/10R-14/2013 dated 09.02.2015. The D.I. of Schools, Howrah also corroborated such fact by filing a report thereof. In absence of legal and valid document to establish that the Petitioner was recruited following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015, we are of the considered opinion that the Petitioner having no requisite qualification to be appointed as Assistant Teacher, Pure Science (Pass) was never recruited as Assistant Teacher, Pure Science (Pass) following the Rules of Recruitment being No. 93-SE/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

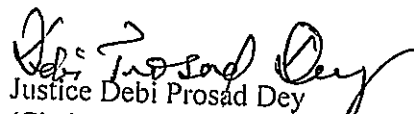
Mizanur Rahaman Molla, Assistant Teacher, Arabic (Pass) :- The petitioner, Mizanur Rahaman Molla is claiming that he was appointed on 20/12/2019 and joined in the Madrasah on 27/12/2019. The vacancy was published on 24/07/2019 in Local Daily and pursuant to that advertisement, he applied for the post of the Asstt. Teacher, Arabic (Pass) in that Madrasah.


Sk. Sabir Ali was the Secretary of the Madrasah from 10/02/2016 till 09/02/2019. As per the statement of Sk. Sabir Ali, there was no valid Managing Committee of the Madrasah on and from 09/02/2019. However, order of the Hon'ble High Court in WP No.12468 (W) of 2019 dated 17/07/2019 reveals that the Managing Committee was permitted to continue with the day today work of Madrasah with a rider not to take any policy decision or major financial decision. The West Bengal School (Control of Expenditure) Act, 2005 provides that intimation/permission of the State Government is required at the time of the recruitment of any teaching/non-teaching staff since the said act of recruitment amounts to take major financial decision. It is, therefore, clear that the formal work was permitted to be done by the Managing Committee to avoid stalemate in the administration of the Madrasah by preventing the said Committee from taking any major financial decision or policy decision. Sk. Sabir Ali also admitted the same. The Resolution dated 18/12/2019 has not been produced before the Committee for verification. The remaining copies of the Resolution produced by the petitioner, could not be compared with the Resolution Book by the Superintendent for non-production of original thereof.

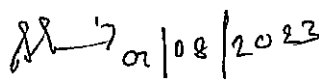
In view of the aforesaid decision, we find that such Resolutions have been randomly passed by the Secretary and the Superintendent without adhering to the direction given by the Hon'ble High Court in the management of the Madrasah in WP No. 12468 (W) of 2019. The Superintendent also could not produce resolution to show that the following Rules of Recruitment, written examination was conducted for the recruitment of the teachers.

The District Inspector of Schools, South 24 Parganas, has categorically stated that the Rules of Recruitment as per Govt. Order No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with in the alleged recruitment of the petitioner.

On careful consideration of the material on record, order of the Hon'ble High Court, statement of D.I. of Schools, Superintendent and Secretary, Sk. Sabir Ali, we are of the considered view that having no authority to recruit in the Madrasah, Sabir Ali, the earlier Secretary of the Managing Committee in connivance with the Superintendent and others, have manufactured the letters of appointment, joining letter and the Resolution ignoring the Rules of Recruitment as contemplated in Govt. Order being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The petitioner never signed in the official Attendance Register and therefore, we are of considered view that the petitioner never worked in the Madrasah. The petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.


1) Justice Debi Prosad Dey
(Chairman)


2) Shri Manish Gupta
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Queen Arifa Sultana Assistant Teacher, Arabic (Pass) :- The petitioner, Queen Arifa Sultana, having no requisite qualification, claiming to have been appointed as Asstt. Teacher, Arabic (Pass) by the Managing Committee in Darul Ulum Qudisia Akra Sr. Madrasah, South 24 Parganas on 20/12/2019.

The Secretary, Sk. Sabir Ali, has specifically stated that the Managing Committee of the Madrasah was valid till 09/02/2019 and he has had no paper to show that the validity of the Managing Committee was, thereafter, extended by the Board. The order passed by the Hon'ble High Court in WP No. 12468 (W) of 2019 by its order dated 17/07/2019 permitted the Managing Committee to function with regard to day to-day affair and further directed not to take any policy decision or major financial decision. The recruitment of teachers obviously amounts ^{to} ~~to~~ taking ^{of} ~~of~~ financial decision since concurrence of the State Govt. in matter of such recruitment of teachers is required under Section 4 of West Bengal School (Control of Expenditure) Act, 2005.

No document has been produced to justify that the Rules of Recruitment in terms of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. On the contrary, we find that the petitioner did not have requisite qualification to be appointed as Asstt. Teacher and the entire process was conducted by the person without having any valid Managing Committee and without any authority for the recruitment of teachers in the Madrasah.

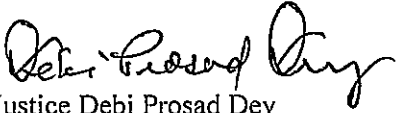
The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules of Recruitment were not complied with.

It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the selfsame date, selfsame Meeting No., some printed Resolutions were pasted in the Resolution Book under the signature of the Superintendent and one Sabir Ali, showing the procedure of Selection etc.

It is crystal clear that there cannot be Resolution with the same Meeting No. under the control of the President and separately by the Secretary and Superintendent of the Madrasah. Moreover, there is no signature of the rest of the so called Managing Committee members in the Resolution pasted in the Resolution Book dated 08/08/2019 under the signature of the Secretary and Superintendent. We have no hesitation to say that such Resolutions have been manufactured as there was no valid Managing Committee and the Rules of Recruitment were never followed by the so called Managing Committee.

The D.I. of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances, stated above, we are of the considered view that the petitioner, Queen Arifa Sultana, having no requisite qualification was never appointed following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah. There is no signature of the petitioner in the original Attendance Register.

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- 1) Justice Debi Prosad Dey
(Chairman) 01/08/23
 - 2) Shri Manish Gupta
(Member) 01/08/2023
 - 3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Tania Parveen Assistant Teacher, English (Pass):- The petitioner, Tania Parveen, having no requisite qualification, claiming to have been appointed as Asstt. Teacher, English (Pass) by the Managing Committee in Darul Ulum Qudsia Akra Sr. Madrasah, South 24 Parganas on 20/12/2019.

The Secretary, Sk. Sabir Ali, has specifically stated that the Managing Committee of the Madrasah was valid till 09/02/2019 and he has had no paper to show that the validity of the Managing Committee was, thereafter, extended by the Board. The order passed by the Hon'ble High Court in WP No. 12468 (W) of 2019 by its order dated 17/07/2019 permitted the Managing Committee to function with regard to day to-day affair and further directed not to take any policy decision or major financial decision. The recruitment of teachers obviously amounts to taking financial decision since concurrence of the State Govt. in matter of such recruitment of teachers is required under Section 4 of West Bengal School (Control of Expenditure) Act, 2005.

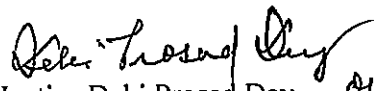
No document has been produced to justify that the Rules of Recruitment in terms of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. On the contrary, we find that the petitioner did not have requisite qualification to be appointed as Asstt. Teacher and the entire process was conducted by the person without having any valid Managing Committee and without any authority for the recruitment of teachers in the Madrasah.

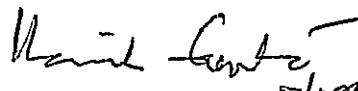
The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules of Recruitment were not complied with.

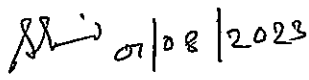
It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the selfsame date, selfsame Meeting No. some printed Resolutions were pasted in the Resolution Book under the signature of the Superintendent and one Sabir Ali, showing the procedure of Selection etc.

It is crystal clear that there cannot be Resolution with the same Meeting No. under the control of the President and separately by the Secretary and Superintendent of the Madrasah. Moreover, there is no signature of the rest of the so called Managing Committee members in the Resolution pasted in the Resolution Book dated 08/08/2019 under the signature of the Secretary and Superintendent. We have no hesitation to say that such Resolutions have been manufactured as there was no valid Managing Committee and the Rules of Recruitment were never followed by the so called Managing Committee. The D.I. of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances, stated above, we are of the considered view that the petitioner, Tania Parveen, having no requisite qualification was never appointed following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah. There is no signature of the petitioner in the original Attendance Register.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 07/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Jaydave Paria Assistant Teacher, Social Science (Pass):- The petitioner, Jaydave Paria, having no requisite qualification, claiming to have been appointed as Asstt. Teacher, Social Science (Pass) by the Managing Committee in Darul Ulum Qudsia Akra Sr. Madrasah, South 24 Parganas on 20/12/2019. The Secretary, Sk. Sabir Ali, has specifically stated that the Managing Committee of the Madrasah was valid till 09/02/2019 and he has had no paper to show that the validity of the Managing Committee was, thereafter, extended by the Board. The order passed by the Hon'ble High Court in WP No. 12468 (W) of 2019 by its order dated 17/07/2019 permitted the Managing Committee to function with regard to day to-day affair and further directed not to take any policy decision or major financial decision. The recruitment of teachers obviously amounts for taking financial decision since concurrence of the State Govt. in matter of such recruitment of teachers is required under Section 4 of West Bengal School (Control of Expenditure) Act, 2005.

No document has been produced to justify that the Rules of Recruitment in terms of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. On the contrary, we find that the petitioner did not have requisite qualification to be appointed as Asstt. Teacher and the entire process was conducted by the person without having any valid Managing Committee and without any authority for the recruitment of teachers in the Madrasah.

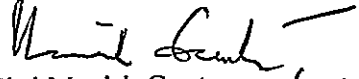
The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules of Recruitment were not complied with.

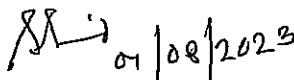
It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the selfsame date, selfsame meeting no., some printed Resolutions were pasted in the Resolution Book under the signature of the Superintendent and one Sabir Ali, showing the procedure of Selection etc.

It is crystal clear that there cannot be Resolution with the same Meeting No. under the control of the President and separately by the Secretary and Superintendent of the Madrasah. Moreover, there is no signature of the rest of the so called Managing Committee members in the Resolution pasted in the Resolution Book dated 08/08/2019 under the signature of the Secretary and Superintendent. We have no hesitation to say that such Resolutions have been manufactured as there was no valid Managing Committee and the Rules of Recruitment were never followed by the so called Managing Committee. The D.I. of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances, stated above, we are of the considered view that the petitioner, Jaydave Paria, having no requisite qualification was never appointed following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah. There is no signature of the petitioner in the original Attendance Register.


1) Justice Debi Prosad Dey
(Chairman)


2) Shri Manish Gupta
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Nawaz Sharif Mali, Assistant Teacher, Pure Science (Pass):- The petitioner, Nawaz Sharif Mali, having no requisite qualification, claiming to have been appointed as Asstt. Teacher, Pure Science (Pass) by the Managing Committee in Darul Ulum Qudisia Akra Sr. Madrasah, South 24 Parganas on 20/12/2019.

The Secretary, Sk. Sabir Ali, has specifically stated that the Managing Committee of the Madrasah was valid till 09/02/2019 and he has had no paper to show that the validity of the Managing Committee was, thereafter, extended by the Board. The order passed by the Hon'ble High Court in WP No. 12468 (W) of 2019 by its order dated 17/07/2019 permitted the Managing Committee to function with regard to day to-day affair and further directed not to take any policy decision or major financial decision. The recruitment of teachers obviously amounts for taking financial decision since concurrence of the State Govt. in matter of such recruitment of teachers is required under Section 4 of West Bengal School (Control of Expenditure) Act, 2005.

No document has been produced to justify that the Rules of Recruitment in terms of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. On the contrary, we find that the petitioner did not have requisite qualification to be appointed as Asstt. Teacher and the entire process was conducted by the person without having any valid Managing Committee and without any authority for the recruitment of teachers in the Madrasah.

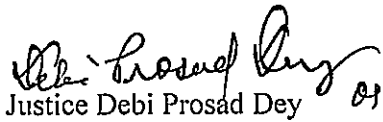

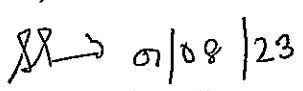
The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules of Recruitment were not complied with.

It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the selfsame date, selfsame Meeting No. ~~and~~ some printed Resolutions were pasted in the Resolution Book under the signature of the Superintendent and one Sabir Ali, showing the procedure of Selection etc.

It is crystal clear that there cannot be Resolution with the same Meeting No. under the control of the President and separately by the Secretary and Superintendent of the Madrasah. Moreover, there is no signature of the rest of the so called Managing Committee members in the Resolution pasted in the Resolution Book dated 08/08/2019 under the signature of the Secretary and Superintendent. We have no hesitation to say that such Resolutions have been manufactured as there was no valid Managing Committee and the Rules of Recruitment were never followed by the so called Managing Committee. The Superintendent also could not produce that the following Rules of Recruitment, written examination was conducted for the recruitment of the teachers.

The D.I. of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances, stated above, we are of the considered view that the petitioner, Nawaz Sharif Mali, having no requisite qualification was never appointed following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah. There is no signature of the petitioner in the original Attendance Register.

- 1) Justice Debi Prosad Dey  01/08/2023
(Chairman)
- 2) Shri Manish Gupta  01/08/2023
(Member)
- 3) Shri Sripati Mukhopadhyay  01/08/23
(Member)

OBSERVATION

Md. Almasul Islam Mondal, Assistant Teacher, Arabic (Pass):- The petitioner, Md. Almasul Islam Mondal, having no requisite qualification, claiming to have been appointed as Asstt. Teacher, Arabic (Pass) by the Managing Committee in Darul Ulum Qudsia Akra Sr. Madrasah, South 24 Parganas on 20/12/2019.

The Secretary, Sk. Sabir Ali, has specifically stated that the Managing Committee of the Madrasah was valid till 09/02/2019 and he has had no paper to show that the validity of the Managing Committee was, thereafter, extended by the Board. The order passed by the Hon'ble High Court in WP No. 12468 (W) of 2019 by its order dated 17/07/2019 permitted the Managing Committee to function with regard to day to-day affair and further directed not to take any policy decision or major financial decision. The recruitment of teachers obviously amounts for taking financial decision since concurrence of the State Govt. in matter of such recruitment of teachers is required under Section 4 of West Bengal School (Control of Expenditure) Act, 2005.

No document has been produced to justify that the Rules of Recruitment in terms of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. On the contrary, we find that the petitioner did not have requisite qualification to be appointed as Asstt. Teacher and the entire process was conducted by the person without having any valid Managing Committee and without any authority for the recruitment of teachers in the Madrasah.


The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules of Recruitment were not complied with.

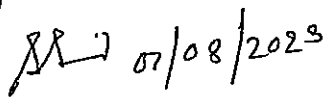
It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the selfsame date, selfsame Meeting No. and some printed Resolutions were pasted in the Resolution Book under the signature of the Superintendent and one Sabir Ali, showing the procedure of Selection etc.

It is crystal clear that there cannot be Resolution with the same Meeting No. under the control of the President and separately by the Secretary and Superintendent of the Madrasah. Moreover, there is no signature of the rest of the so called Managing Committee members in the Resolution pasted in the Resolution Book dated 08/08/2019 under the signature of the Secretary and Superintendent. We have no hesitation to say that such Resolutions have been manufactured as there was no valid Managing Committee and the Rules of Recruitment were never followed by the so called Managing Committee. The D.I. of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances, stated above, we are of the considered view that the petitioner, Md. Almasul Islam Mondal, having no requisite qualification was never appointed following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah. There is no signature of the petitioner in the original Attendance Register.


1) Justice Debi Prosad Dey
(Chairman) 09/08/2023


2) Shri Manish Gupta
(Member) 07/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 07/08/2023

OBSERVATION

Sk. Sohel Mia, Assistant Teacher, Social Science (Pass):- The petitioner, Sk. Sohel Mia, having no requisite qualification, claiming to have been appointed as Asstt. Teacher, Social Science (Pass) by the Managing Committee in Darul Ulum Qudsia Akra Sr. Madrasah, South 24 Parganas on 20/12/2019. There was no sanctioned post of Asstt. Teacher, Social Science (Pass) at the time of his alleged recruitment in the Madrasah. Secretary, Sk. Sabir Ali, has specifically stated that the Managing Committee of the Madrasah was valid till 09/02/2019 and he has had no paper to show that the validity of the Managing Committee was, thereafter, extended by the Board. The order passed by the Hon'ble High Court in WP No. 12468 (W) of 2019 by its order dated 17/07/2019 permitted the Managing Committee to function with regard to day to-day affair and further directed not to take any policy decision or major financial decision. The recruitment of teachers obviously amounts to taking financial decision since concurrence of the State Govt. in matter of such recruitment of teachers is required under Section 4 of West Bengal School (Control of Expenditure) Act, 2005.


No document has been produced to justify that the Rules of Recruitment in terms of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. On the contrary, we find that the petitioner did not have requisite qualification to be appointed as Asstt. Teacher and the entire process was conducted by the person without having any valid Managing Committee and without any authority for the recruitment of teachers in the Madrasah.


The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules of Recruitment were not complied with.

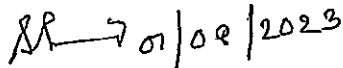
It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the selfsame date, selfsame Meeting No. and some printed Resolutions were pasted in the Resolution Book under the signature of the Superintendent and one Sabir Ali, showing the procedure of Selection etc.

It is crystal clear that there cannot be Resolution with the same Meeting No. under the control of the President and separately by the Secretary and Superintendent of the Madrasah. Moreover, there is no signature of the rest of the so called Managing Committee members in the Resolution pasted in the Resolution Book dated 08/08/2019 under the signature of the Secretary and Superintendent. We have no hesitation to say that such Resolutions have been manufactured as there was no valid Managing Committee and the Rules of Recruitment were never followed by the so called Managing Committee. The D.I. of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances, stated above, we are of the considered view that the petitioner, Sk. Sohel Mia, having no requisite qualification was never appointed following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah. There is no signature of the petitioner in the original Attendance Register.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Nasreen Parveen Assistant Teacher, General (UG):- The petitioner, Nasreen Parveen, having no requisite qualification, claiming to have been appointed as a Teacher, General (Under Graduate) by the Managing Committee in Darul Ulum Qudsia Akra Sr. Madrasah, South 24 Parganas on 20/12/2019. The Secretary, Sk. Sabir Ali, has specifically stated that the Managing Committee of the Madrasah was valid till 09/02/2019 and he has had no paper to show that the validity of the Managing Committee was, thereafter, extended by the Board. The order passed by the Hon'ble High Court in WP No. 12468 (W) of 2019 by its order dated 17/07/2019 permitted the Managing Committee to function with regard to day to-day affair and further directed not to take any policy decision or major financial decision. The recruitment of teachers obviously amounts for taking financial decision since concurrence of the State Govt. in matter of such recruitment of teachers is required under Section 4 of West Bengal School (Control of Expenditure) Act, 2005.

No document has been produced to justify that the Rules of Recruitment in terms of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. On the contrary, we find that the petitioner did not have requisite qualification to be appointed as Asstt. Teacher and the entire process was conducted by the person without having any valid Managing Committee and without any authority for the recruitment of teachers in the Madrasah.

The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules of Recruitment were not complied with.


It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the selfsame date, selfsame Meeting No. and some printed Resolutions were pasted in the Resolution Book under the signature of the Superintendent and one Sabir Ali, showing the procedure of Selection etc.

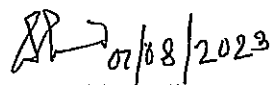
It is crystal clear that there cannot be Resolution with the same Meeting No. under the control of the President and separately by the Secretary and Superintendent of the Madrasah. Moreover, there is no signature of the rest of the so called Managing Committee members in the Resolution pasted in the Resolution Book dated 08/08/2019 under the signature of the Secretary and Superintendent. We have no hesitation to say that such Resolutions have been manufactured as there was no valid Managing Committee and the Rules of Recruitment were never followed by the so called Managing Committee. The Superintendent also could not produce that the following Rules of Recruitment, written examination was conducted for the recruitment of the teachers.

The D.I. of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances, stated above, we are of the considered view that the petitioner, Nasreen Parveen, having no requisite qualification was never appointed following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah. There is no signature of the petitioner in the original Attendance Register.


1) Justice Debi Prosad Dey
(Chairman)


2) Shri Manish Gupta
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

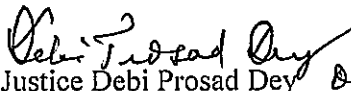
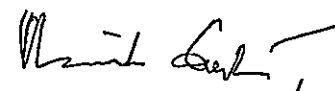
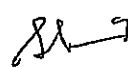
OBSERVATION

Mizanur Rahaman Mufti, Group-D:- The petitioner, Mizanur Rahaman Mufti is claiming that he has been working in the Darul Ulum Qudsia Akra SR. Madrasah without any remuneration and having regard to his past service, the Managing Committee appointed him as Group-D Employee in the Madrasah on 20/12/2019.

Sabir Ali, the earlier Secretary of the Madrasah, has specifically stated that there was no valid Managing Committee after 09/02/2019 by the Hon'ble Calcutta High Court in WP No. 12468(W) of 2019 by its order dated 17/07/2019, has only permitted the Managing Committee to perform day to-day function in the administration of the Madrasah and not to take any policy decision or major financial decision. Recruitment of teachers or any non-teaching staff definitely creates financial burden upon the finance of the Madrasah as, well as upon the State Government. The West Bengal School (Control of Expenditure) Act, 2005, has been implemented, keeping in view of such financial burden of the State. It is apparent that the Rules of Recruitment, as per the Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with by the Managing Committee and there was no valid Managing Committee on 20/12/2019, as it appears from the order of the Hon'ble High Court, mentioned above. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah.

The District Inspector of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment and has also filed a separate report to that effect.

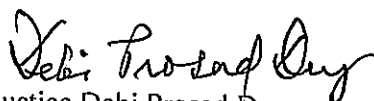
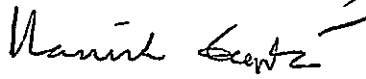
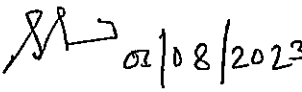
Considering the materials on record, we have no hesitation to say that the petitioner, Mizanur Rahaman Mufti was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as legally recruited Gr. 'D' employee.

- 1) Justice Debi Prosad Dey  09/08/2023
(Chairman)
- 2) Shri Manish Gupta  01/08/2023
(Member)
- 3) Shri Sripati Mukhopadhyay  01/08/2023
(Member)

OBSERVATION

Safiqul Islam. Group-D: Admittedly, Safiqul Islam was not recruited following the Rules of Recruitment being No. 93-SE S 10R-14/2013 dated 09/02/2015. The Superintendent of the Madrasah has also admitted that no such Resolution was passed by the Managing Committee to appoint Safiqul Islam following the Rules of Recruitment. We have gone through the original Resolution Books of the Madrasah and we did not find any Resolution passed by the Managing Committee of the Madrasah during 2016 and 2015 in respect of the Recruitment of Safiqul Islam following Rules of Recruitment.

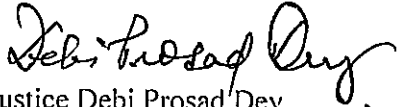
However, the Superintendent claimed that the service of Safiqul Islam was approved by the ADI Basirhat and since then, he has been signing in the Attendance Register. ADI Basirhat, however, stated that erroneously and illegally, the appointment of Safiqul Islam was approved at the outset by the then ADI Basirhat but, after some time, the ADI himself reported that the aforesaid person was not recruited following the Rules of Recruitment. Due to such illegal approval given by the then ADI, Department Proceeding was started against him. The present ADI also did not find any paper in the office of ADI Basirhat about alleged approval of the service of Safiqul Islam. It may be stated that Managing Committee did not adopt any Resolution for recruitment of Safiqul Islam following Rules of Recruitment. The Superintendent further submitted one Resolution Book containing only two Resolutions of 2015 and 2016. Apparently, the said Resolution Book has been manufactured to give colour of legality regarding the appointment of Safiqul Islam and others. However, from the Attendance Register produced by the Superintendent, it may be stated that Safiqul Islam has been signing in the Attendance Register at least since 2021. Curiously enough, the Madrasah was not recognized by the Board on the date of alleged appointment of Safiqul Islam. The Copy of Resolution submitted by Safiqul Islam is not the copy of official Resolution. The appointment of Safiqul Islam due to non-conformity to the Rules of Recruitment is not legal and he is not entitled to get any salary as legally recruited Group-D employee of Chhayani Islamia Sr. Madrasah, North 24 Parganas.


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1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 
2) Shri Manish Gupta
(Member) 01/08/2023
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3) Shri Sripati Mukhopadhyay
(Member)

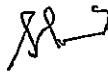
OBSERVATION

Mst. Masura Khatoon:- She claiming to be a Group 'C' (Clerk) of Chhayani Islamia Sr. Madrasah, North 24 Parganas as herself she admitted that the Rules of Recruitment were not followed at the time of her alleged recruitment. Secondly, she has been claiming that she has been signing on the Attendance Register since her joining. She did not whisper anything about the document filed by her along with her representation. Photostat copies of one interview held have been filed by the Superintendent of Chhayani Islamia Sr. Madrasah, North 24 Parganas, but he did not file any original document to justify such Photostat copies of the papers submitted by Masura Khatoon. The original Resolution Book of the Managing Committee from 2013 to 2022 have been produced by the Superintendent of Chhayani Islamia Sr. Madrasah and we do not find any Resolution regarding appointment of Masura Khatoon following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Resolution submitted by Masura Khatoon appears to have been manufactured in a separate Resolution Book only for showing some of sort of legality to the alleged appointment of Masura Khatoon and contents only two or three Resolutions, even some blank papers of such Resolution Book contents signature of many persons. The said Resolution Book is not the official Resolution of the Managing Committee. We find the signature of Masura Khatoon in the official Attendance Register. Presumably, she has been permitted by the Superintendent to sign on Attendance Register on the basis of illegal approval of service given by the then ADI Basirhat. However, she has been signing in the Attendance Register since 03.02.2016. The present ADI Basirhat did not find any papers in the office record about approval of service of Masura Khatoon. She has specifically stated that the previous ADI has also submitted a report to the DI of School stating *inter alia* that the appointment of Masura Khatoon was not done following the Rules of Recruitment and the same was an illegal appointment.

We candidly say that Masura Khatoon was not recruited following the Rules of Recruitment and her alleged appointment is illegal.

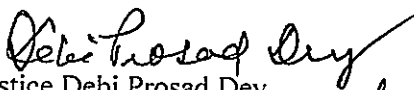

1) Justice Debi Prosad Dey
(Chairman) 01/08/2023

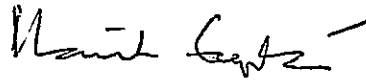

2) Shri Manish Gupta
(Member) 01/08/2023

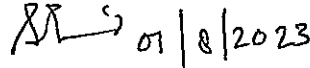

3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Sakina Khatun : Sakira Khatun claiming herself to be Group-D employee of Chhayani Islamia Sr. Madrasah has filed Photostat copies of some documents regarding her appointment joining selection through Interview Board copy of Resolution Book. Out of the aforesaid document only Work Done Certificate duly signed by Superintendent of Chhayani Islamia Sr. Madrasah has been filed. No original document in respect of the aforesaid matter has been filed for verification. The copy of Resolution is also not attested by the concerned authority. The original Resolution Book produced by the Superintendent of Madrasah from 2013 to 2022 did not reflect anything about appointment of Sakina Khatun following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The Superintendent, Taj Mohammad has also admitted that Sakira Khatun was never appointed following the Rules of Recruitment. ADI, Basirhat illegally granted approval of some teachers but subsequently ADI, Basirhat wrote a letter to D.I of Schools of Basirhat stating *inter alia* that such appointment were illegal and due to that reason departmental proceeding was initiated against the then ADI, Basirhat. Such fact has been corroborated by the present ADI, Basirhat and she also did not file any document in the office record regarding alleged recruitment of Sakina Khatun following Rules of Recruitment. The alleged appoint of Sakina Khatun is illegal and the copy of Resolution is also not valid since a separate Resolution Book has been prepared in order to support such copy of Resolution. The separate Resolution Book has also been prepared showing alleged appointment of teachers and non-teaching staff in the year 2015 and 2016. The said Resolution Book is also not the official Resolution Book of the Committee. She has been signing on a separate Attendance Register showed the Superintendent certified that she has been working since 03.02.2016 in the Madrasah under reference.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023



2. Shri Manish Gupta
(Member) 01/08/2023

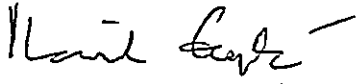

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

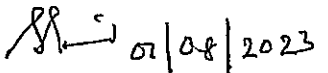
OBSERVATION

Mirajul Gazi : Mirajul Gazi himself admitted that he has not appeared in the written examination. The advertisement of vacancy was never published in State level daily. Except Work Done Certificate, no other document being original has been filed for verification. The Superintendent, Taj Mohamad has produced original Resolution Book of the Managing Committee from 2013 to 2022. There is no whisper in such Resolution Book about alleged appointment of Mirajul Gazi following Rules of Recruitment. The copy of Resolution filed by Mirajul Gazi is not the copy of original Resolution Book but the same has been prepared only for the purpose of verification containing only 2/3 alleged Resolution. The Superintendent further stated that the service of Mirajul Gazi was approved by ADI, Basirhat and that is why he permitted him to sign in the original Register in the year 2019.

ADI, Basirhat however stated that the then ADI, Basirhat illegally approved the service of some teaching and non-teaching staff of Chhayani Islamia Sr. Madrasah but subsequently the ADI, Basirhat stated that the said persons including the present one were illegally appointed without following Recruitment Rules and they are not entitled to get any salary. Thus we may say that Mirajul Gazi was not recruited following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 that is why is he is not a legally recruited teacher of the Madrasah. However, we find the signature of Mirazul Gazi in the Attendance Register of the Madrasah atleast from 2019.

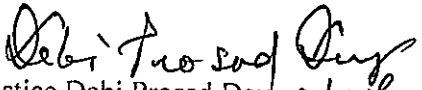

1. Justice Debi Prosad Dey
(Chairman)

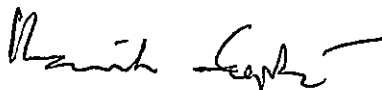

2. Shri Manish Gupta
(Member)

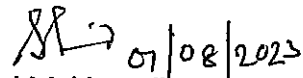

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Nuruddin Mollah:- Admittedly, the Rules of Recruitment were not followed in the alleged appointment of Md. Nuruddin Mollah as Gr. 'D' of Chhayani Islamia Sr. Madrasah. Superintendent, Taj Md. has also corroborated such fact by producing the original Resolution Book from 2013-2022. It is apparent from original Resolution Book that no such process of recruitment of Md. Nuruddin Mollah was ever undertaken by the Madrasah except Work Done Certificate. No other original document has been produced by Md. Nuruddin Mollah to justify his claim. It is therefore, apparent that Md. Nuruddin Mollah was never recruited following the Rules of Recruitment and his alleged claim of appointment is not found. The copy of Resolution filed by Md. Nuruddin Mollah appears to have been manufactured with the help of a separate Resolution Book, which is not the part of Original Resolution Book.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)

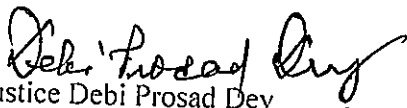

2) Shri Manish Gupta 01/08/2023
(Member)

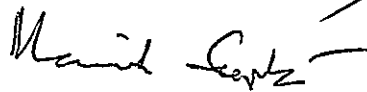

3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

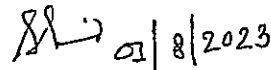
OBSERVATION

Sajjat Ali Khan:- He is claiming himself as Assistant Teacher, Bio Science (H/PG) of Chhayani Islamia Sr. Madrasah and has filed some Photostat copies of document without producing the original document thereof. The copy of Resolution of the Managing Committee has not been attested by the authorized representative. The original Resolution Book produced by the Superintendent of the Madrasah does not reflect any Resolution about recruitment process or recruitment of Sajjat Ali Molla following the Rules of Recruitment. However, District Inspector of Schools has stated about illegal approval of service by the previous ADI and the same was, thereafter, corrected by the then ADI. The present ADI also did not find any valid document of approval of service of Sjjat Ali Molla.

In short. Sajjat Ali Molla was never legally recruited following the Rules of Recruitment and we do not find his signature in the official Attendance Register. Though, Work Done Certificate has been granted by the present Superintendent.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023



2) Shri Manish Gupta 01/08/2023
(Member)

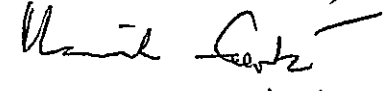

3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

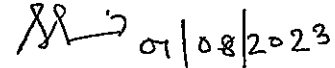
OBSERVATION

Khalada Parveen:- Admittedly, she was not gone through the process of recruitment according to the Rules of Recruitment. She did not have requisite qualification including degree of B.Ed. to be appointed as Assistant Teacher, Bengali (H/PG) of Chhayani Islamia Sr. Madrasah, North 24 Parganas. The original Resolution Books from 2013-2022 produced by Taj Md., Superintendent, did not reflect any such initiation of recruitment process of Khalada Parveen according to rules.

We may conclusively say that Khalada Parveen was never recruited following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The alleged approval of her service by the then ADI, Basirhat was later corrected and Departmental Proceedings was drawn up against the then ADI, Basirhat for granting such illegal approval of service of Khalada Parveen. Work Done Certificate granted by the Superintendent, also does not find support from the official Attendance Register. The copy of Resolution filed by Khalada Parveen is not attested by any authorized representative and the same has been prepared for the purpose of this verification process having not stating of approval from the Managing Committee.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023

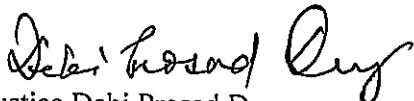

3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

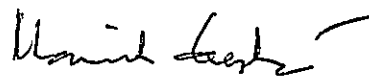
OBSERVATION

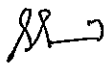
Jahangir Hossain:- He is claiming himself to be Assistant Teacher, Arabic (Pass) of Chhayani Islamia Sr. Madrasah, North 24 Parganas, he has filed some Photostat copies of the document. He has passed Kamil (equivalent to B.A.) with 53.7% of marks but, he had no requisite qualification to be appointed as Assistant Teacher on 28.01. 2016 for not having any B. Ed. Degree. Jahangir Hossain also admitted that he did not go through the process of Recruitment following Rules of Recruitment at the time of alleged appointment. The Superintendent, Taj Md. also corroborated such statement of Jahangir Hossain by producing the original Resolution Book from 2013-2022, where from it would be evident that Jahangir Hossain was never recruited as Assistant Teacher, Arabic (Pass) following Rules of Recruitment. The copy of Resolution Book filed by Jahangir Hossain appears to be a separate Resolution Book, different from the Resolution Book maintained by the Managing Committee.

In fine, Jahangir Hossain was never recruited, legally as Assistant Teacher, Arabic (Pass). The Work Done Certificate submitted by Taj Md. is not corroborated from the official Attendance Register produced by Taj Md., the Superintendent himself.

Jahangir Hossain having no requisite qualification to be appointed as Assistant Teacher was not legally recruited as Assistant Teacher of Chhayani Islamia Sr. Madrasah following the Rules of Recruitment. The illegal approval of service by the then ADI Basirhat was corrected immediately. Thereafter, as per the statement of ADI, Basirhat, no other document was filed in the office of ADI, Basirhat about approval of service of Jahangir Hossain.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023

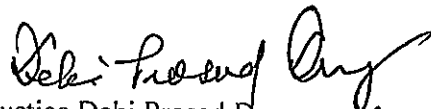

2) Shri Manish Gupta
(Member) 01/08/2023

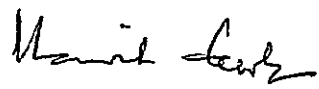

3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023


OBSERVATION

Md. Mahmudur Rahman Laskar :- The Superintendent, Taj Mohammad clearly stated by producing official Resolution Book from 2013 to 2022 that Md. Rahaman Laskar was never recruited following Recruitment Rules. Md. Mahmudur Rahman Laskar also admitted the same. Concerned ADI of Schools illegally approved the service but immediately thereafter corrected the same and for that reason, departmental proceeding was started against the then ADI. The present ADI also did not find any document about official recruitment/approval of Md. Mahmudur Rahman Laskar as Assistant Teacher.

Md. Mahmudur Rahman Laskar was never recruited following Recruitment Rules and we do not find his signature in the official Attendance Register from the date of his alleged appointment. The Work Done Certificate issued by Taj Mohammad does not find support from the documents produced by Md. Mahmudur Rahman Laskar.



1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

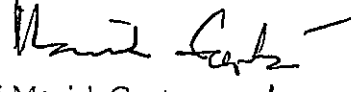

2. Shri Manish Gupta
(Member) 01/08/2023

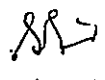
 01/08/2020
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Hasanujjman Molla: Hasanujjman Molla obtained 38.45% marks in B.Sc and have no B.Ed degree on the date of his alleged appointment, had no requisite qualification to be appointed as Assistant Teacher, Math (Pass). Admittedly, he was never recruited following Rules of Recruitment and the said fact has been corroborated by Taj Mohammad the Superintendent by producing the original Resolution Book from 2013 to 2022. The alleged appointment was illegally approved by the then ADI but the same was immediately corrected by him and for which he has been facing departmental proceeding. The present ADI also did not find any document about recruitment and approval of Hasanujjman Molla. The copy of Resolution filed by Hasanujjman Molla appears to have been manufactured by keeping a separate Resolution Book and the same is not part of the original Resolution Book.


1. Justice Debi Prosad Dey 07/08/2023
(Chairman)


2. Shri Manish Gupta 07/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 07/08/2023
(Member)

OBSERVATION

Hammad Gazi: Hammad Gazi obtained 40% marks in B. Sc and he had no requisite qualification to be appointed as Assistant Teacher. Admittedly, he was not recruited following Recruitment Rules being No. 93-SE/S/10R-14/2013 dated 09/02/2015. As per statement of Superintendent of Chhayani Islamia Sr. Madrasah and as per Resolution of Managing Committee produced by Superintendent for the period from 2013 to 2022. The copy of Resolution produced by Hammad Gazi is not the copy of official Resolution Book maintained by the Managing Committee. The alleged approval of service was later corrected and for which departmental proceeding was started with the then ADI, Basirhat. The ADI, Basirhat also did not find any records about recruitment or approval of such service of Hammad Gazi.

In short, Hammad Gazi was never recruited following Rules of Recruitment and the Work Done Certificate granted by Taj Mohammad does not conform to the entries made in the official Attendance Register.

Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

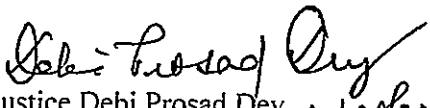
Manish Gupta
2. Shri Manish Gupta 01/08/2023
(Member)

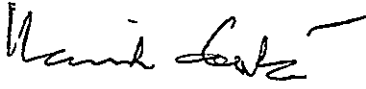
Sri Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member)

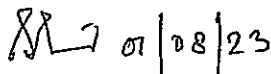
OBSERVATION

Md. Hafizul Islam Dhali: Md. Hafizul Islam Dhali had no requisite qualification to be Appointed as Assistant Teacher for not having B.Ed degree. Admittedly, he was never recruited as Assistant Teacher following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. Taj Mohammad the Superintendent of Chhayani Islamia Sr. Madrasah also corroborated such fact by producing the official Resolution Book for the period 2013 to 2022. The copy of Resolution filed by Md. Hafizul Islam Dhali is not part of any Resolution adopted by the Managing Committee in the official Resolution Book. The approval of service by ADI, Basirhat was illegally given and subsequently corrected. The present ADI, Basirhat did not find any document in his office about recruitment or approval of Md. Hafizul Islam Dhali.

Md. Hafizul Islam Dhali was therefore never recruited following Rules of Recruitment and the Work Done Certificate granted by Taj Mohammad also does not find support from the official Attendance Register maintained by the Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

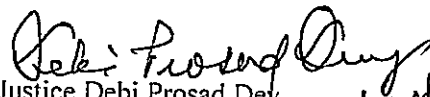

2. Shri Manish Gupta 01/08/2023
(Member)

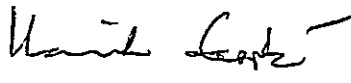

3. Shri Sripati Mukhopadhyay 01/08/23
(Member)


OBSERVATION

Md. Sariful Islam Gazi : Md. Sariful Islam Gazi had no requisite qualification to be appointed as Assistant Teacher in Islamic, History (Pass) for not having B.Ed degree on the date of his alleged appointment. Superintendent of Chhayani Islamia Sr. Madrasah had categorically stated that Md. Sariful Islam Gazi was never recruited following Recruitment Rules being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The Superintendent also produced the official Resolution Book from 2013 to 2022 in support of his contention. The copy of Resolution filed by Md. Sariful Islam Gazi is not the copy of any Resolution adopted by the Managing Committee as would be evident from the official Resolution Book produced by the Superintendent. The approval of service appears to be illegal and later corrected by the then ADI. The then ADI has been facing departmental proceeding for such illegal approval. The present ADI also did not find any record regarding recruitment or approval of the service of Md. Sariful Islam Gazi.

We may safely say that Md. Sariful Islam Gazi never recruited following Rules of Recruitment and the Work Done Certificated by the Superintendent is not being corroborated from the entries made in the official Attendance Register.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

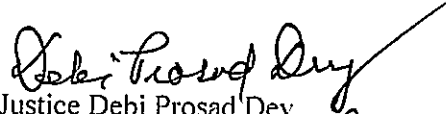

2. Shri Manish Gupta 01/08/2023
(Member)

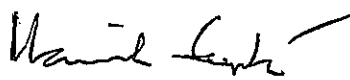

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

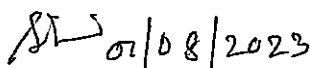
OBSERVATION

Jahangir Hossaeen Molla:- Jahangir Hossaeen Molla has obtained 33.42% of marks in the B.A. examination and had no requisite qualification to be appointed as Assistant Teacher, English (Pass). Admittedly, he was never recruited following the Rules of Recruitment as Assistant Teacher as per the statement of the Superintendent of Chhayani Islamia Sr. Madrasah, North 24 Parganas. We do not find any Resolution authorizing the recruitment of Jahangir Hossaeen Molla as legally recruited Assistant Teacher from the official Resolution Book produced by the Superintendent. The copy of Resolution Book produced by Jahangir Hossaeen Molla appears to be manufactured and maintained in a separate Resolution Book not endorsed and maintained officially by the Managing Committee.

In short, we may conclusively say that Jahangir Hossaeen Molla having no requisite qualification to be appointed as Assistant Teacher, was never recruited legally and his alleged approval of service by the then ADI, Basirhat was immediately corrected and departmental proceeding was drawn up against the ADI, Basirhat. The present ADI, Basirhat also did not find any document about alleged approval of service of Jahangir Hossaeen Molla in the official record of ADI, Basirhat.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

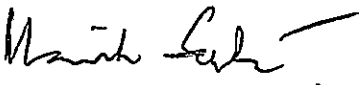
OBSERVATION

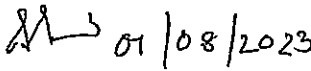
Sahanur Gazi: Sahanur Gazi had no requisite qualification to be appointed as Assistant Teacher, Arabic (Pass) since he obtained 47.38% marks in B.A. and he had no requisite qualification. Admittedly, he was not recruited following Rules of Recruitment as per submission of Superintendent of Chhayani Islamia Sr. Madrasah and entries made in the official Resolution Book during that period. The Superintendent produced official Resolution Book from 2013 to 2022. The copy of Resolution Book produced by Sahanur Gazi is not the official Resolution Book but the same has been prepared by manufacturing a separate Resolution Book. The alleged approval of service have been declared by the self same ADI, Basirhat and that is why no salary was released in his favour. The present ADI, Basirhat also did not find any document in his office about recruitment and approval of the service of Sahanur Gazi.

We may safely say that Sahanur Gazi was never recruited following Rules of Recruitment and the Work Done Certificate granted by the Superintendent also does not find support from the entries made in the official Attendance Register.

being NO. 93-SE/S10R-14/13dt 09.02.2015


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)


2. Shri Manish Gupta 01/08/2023
(Member)

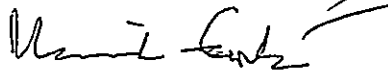

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

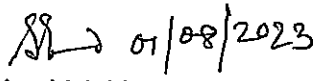
OBSERVATION

Md. Habibullah Molla: Md. Habibullah Molla had no requisite qualification to be appointed as Assistant Teacher in Arabic (pass) for not having B.Ed Degree. He was never recruited following Rules of Recruitment as per statement of Superintendent of Chhayani Islamia Sr. Madrasah supported by the Resolution Book officially maintained by the Managing Committee for the period from 2013 to 2022. The copy of Resolution submitted by Md. Habibullah Molla does not find place in the official Resolution Book maintained by Managing Committee.

In short, we may candidly say that Md. Habibullah Molla was never recruited following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and the Work Done Certificate granted by the Superintendent does not find corroboration from the official Attendance Register produced by the Superintendent himself.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

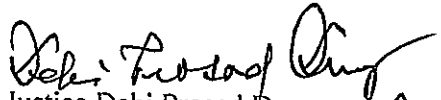
OBSERVATION

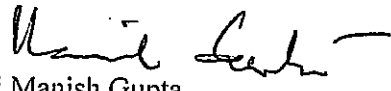
Kutubuddin Mondal:- Kutubuddin Mondal had no requisite qualification to be appointed as Assistant Teacher, History (Pass) and there is absolutely no Resolution in the Official Resolution Book about his recruitment following Recruitment Rules. Taj Mohammad, Superintendent of Chhayani Islamia Sr. Madrasah produced original Resolution Book from 2013 to 2022 and corroborated that Kutubuddin Mondal has never been recruited following the Rules of Recruitment. The copy of Resolution submitted by Kurubuddin Mondal appears to have been manufactured by preparing a separate Resolution Book. The Work Done Certificate granted by Taj Mohammad does not find support from official Attendance Register maintained by Madrasah.


In short Kurubuddin Mondal was never appointed following Recruitment Rules, as Assistant Teacher, History (Pass) in Chhayani Islamia Sr. Madrasah and he is not entitled to get any salary.

being no- 93-SE/SIOR-14/13 dt 09.04.2015

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1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

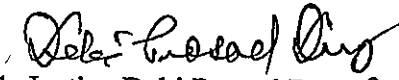

2. Shri Manish Gupta
(Member) 01/08/2023

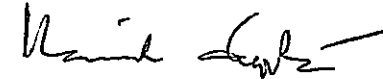
 01/08/2023
3. Shri Sripati Mukhopadhyay
(Member)

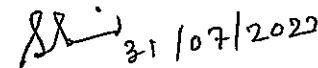
OBSERVATION

Manowara Khatun, Assistant Teacher, History (H/PG) : Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher on the date of her alleged appointment. In absence of any signature of the petitioner in the official Attendance Register, it is also not possible to hold that she has been attending the Madrasah since the date of her alleged appointment. Sahana Parveen, the Headmistress and D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is also no Resolution to accept that the petitioner was recruited following the Rules of Recruitment.

Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

✓ 
2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Samima Nasrin, Assistant Teacher, Work Education (Pass) : As per the statement of the petitioner, she was appointed purely on temporary basis and thereafter in the year 2018, her service has been confirmed by the Managing Committee. However, we do not find any Resolution of the Managing Committee in the Resolution Book produced by the Headmistress that the petitioner was appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmistress, Sahana Parveen and D.I. of Schools, Sujit Samanta have unequivocally stated that the petitioner was never recruited against sanctioned vacancy following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. In absence of any signature of the petitioner in the official Attendance Register, we cannot hold that she has been working as permanent Teacher in the Madrasah.

Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.

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Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) 31/07/22

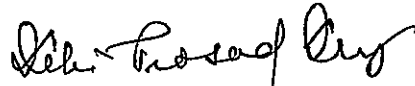
Manish Gupta
2. Shri Manish Gupta 21/02/2022
(Member)


Sripati Mukhopadhyay 31/07/2022
3. Shri Sripati Mukhopadhyay
(Member)

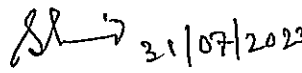
OBSERVATION

Shelina Parvin, Assistant Teacher, Bengali (H/PG) : As per the petitioner, she was appointed purely on temporary basis and thereafter in the year 2018, her service has been confirmed by the Managing Committee. However, we do not find any Resolution of the Managing Committee in the Resolution Book produced by the Headmistress that the petitioner was appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmistress, Sahana Parveen and D.I. of Schools, Sujit Samanta have unequivocally stated that the petitioner was never recruited against sanctioned vacancy following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. In absence of any signature of the petitioner in the official Attendance Register, we cannot hold that she has been working as permanent Teacher in the Madrasah.

Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.


1. Justice Debi Prosad Dey 21/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Rojina Parveen, Group - D : As per the statement of the petitioner, the Managing Committee called her on 07.01.2016 and issued appointment letter in her favour. She did not appear in any written examination or appeared before any Interview Board. On scrutiny of the Resolution Book, we also do not find any Resolution to accept that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petitioner in the official Attendance Register. The Headmistress, Sahana Parveen and the D.I. of Schools, Sujit Samanta have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.

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Debi Prosad Dey,
1. Justice Debi Prosad Dey
(Chairman) 31/07/2023

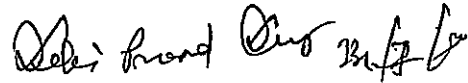
Manish Gupta
2. Shri Manish Gupta 31/07/2023
(Member)

Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member) 31/07/2023

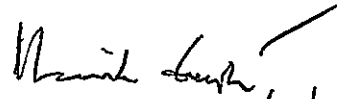
OBSERVATION

Nibedita Banik, Assistant Teacher, Bio-Science (Pass) : Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher on the date of her alleged appointment. In absence of any signature of the petitioner in the official Attendance Register, it is also not possible to hold that she has been attending the Madrasah since the date of her alleged appointment. Sahana Parveen, the Headmistress and D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is also no Resolution to accept that the petitioner was recruited following the Rules of Recruitment.

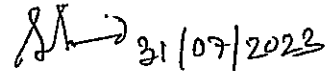
Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.



1. Justice Debi Prosad Dey
(Chairman)



2. Shri Manish Gupta 31/07/2022
(Member)

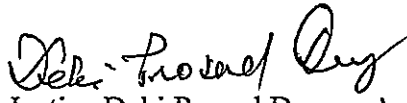


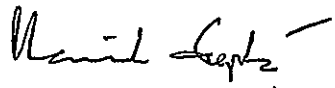
3. Shri Sripati Mukhopadhyay
(Member)

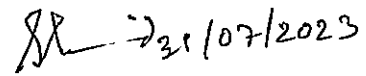
OBSERVATION

Mst. Halima Khatun, Assistant Teacher, Advance Arabic (H/PG) : Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher on the date of her alleged appointment. In absence of any signature of the petitioner in the official Attendance Register, it is also not possible to hold that she has been attending the Madrasah since the date of her alleged appointment. Sahana Parveen, the Headmistress and D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is also no Resolution to accept that the petitioner was recruited following the Rules of Recruitment.

Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.


1. Justice Debi Prosad Dey, 21/07/23
(Chairman)

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2. Shri Manish Gupta 21/07/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Rakhi Kundu, Assistant Teacher, Bengali (H/PG) : Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher on the date of the alleged appointment. Sahana Parveen, the Headmistress of Bhagabanpur Girls High Madrasah, Malda has also admitted that the petitioner was never appointed following the Rules of Recruitment but she was appointed only on temporary basis. On scrutiny of the Resolution Book, we also do not find any Resolution being Special Meeting No. 1, dated 26.02.2018 whereby the petitioner was appointed following Rules of Recruitment. The D.I. of Schools also stated by filing a report that the petitioner was never appointed following Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and she never worked in that Madrasah. The official Attendance Register has not been produced by the Headmistress but she has admitted that the petitioner never signed in the official Attendance Register. The separate Attendance Register of the petitioner has also not been produced and such separate register without having any approval/signature of the Headmistress cannot be looked into.

Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.

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Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) 31/07/2023

Manish Gupta
2. Shri Manish Gupta 31/07/2023
(Member)


Sri Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member)

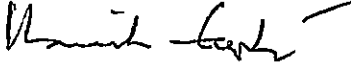
OBSERVATION

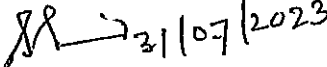
Habiba Sultana, Assistant Teacher, English (Pass) : Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher on the date of the alleged appointment. Sahana Parveen, the Headmistress of Bhagabanpur Girls High Madrasah, Malda has also admitted that the petitioner was never appointed following the Rules of Recruitment but she was appointed only on temporary basis. On scrutiny of the Resolution Book, we also do not find any Resolution being Special Meeting No. 1, dated 26.02.2018 whereby the petitioner was appointed following Rules of Recruitment. The D.I. of Schools also stated by filing a report that the petitioner was never appointed following Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah. The official Attendance Register has not been produced by the Headmistress but she has admitted that the petitioner never signed in the official Attendance Register. The separate Attendance Register of the petitioner has also not been produced and such separate register without having any approval/signature of the Headmistress cannot be looked into.

Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023

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2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member) 31/07/2023

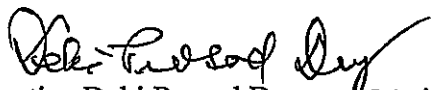
OBSERVATION

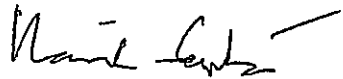
Rubinur Khatun, Assistant Teacher, Geography (Pass) : Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher on the date of the alleged appointment. Sahana Parveen, the Headmistress of Bhagabanpur Girls High Madrasah, Malda has also admitted that the petitioner was never appointed following the Rules of Recruitment but she was appointed only on temporary basis. On scrutiny of the Resolution Book, we also do not find any Resolution being Special Meeting No. 1, dated 26.02.2018 whereby the petitioner was appointed following Rules of Recruitment. The D.I. of Schools also stated by filing a report that the petitioner was never appointed following Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

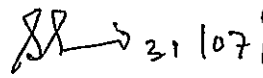
Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah. The official Attendance Register has not been produced by the Headmistress but she has admitted that the petitioner never signed in the official Attendance Register. The separate Attendance Register of the petitioner has also not been produced and such separate register without having any approval/signature of the Headmistress cannot be looked into.

Under the circumstances, we have no hesitation to say that the petitioner was never recruited following Rules of the Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and she never worked in the Madrasah. Taking advantage of the Committee constituted by the Hon'ble Supreme Court, the petitioner is trying to establish herself as legally recruited Teacher of the Madrasah.

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1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

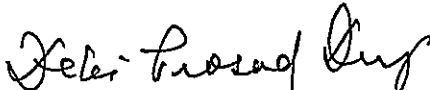

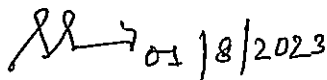

2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Moumita Poddar:- The petitioner, Moumita Poddar obtained only 39% in aggregate in her B.A. examination and she had no B. Ed. Degree on the date of her alleged appointment. The petitioner having no requisite qualification, is claiming herself to be an Asstt. Teacher, History (Pass) in the Bhandari GachSuru Bari High Madrasah at Jalpaiguri. As per the report of the Headmaster of Bhandari Gach Suru Bari High Madrasah, Md. Noushad Ali, the Rules of Recruitment of teaching and non-teaching staff were not followed in the alleged recruitment of the petitioner, Moumita Poddar. Moreover, she had no requisite qualification to be appointed as Asstt. Teacher. The Headmaster of the said Madrasah further stated that the Resolution Book reveals that the same was commenced on 11/11/2015 and stated thereafter, no resolution has been recorded/passed since 13/01/2016 in his Madrasah and that so why, he could not produce any other Resolution Book. The Headmaster also did not produce the original Attendance Register. It is evident from the report submitted by the D.I. of Schools, Jalpaiguri that the alleged appointment of the petitioner, Moumita Poddar, was not done following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. It is apparent that the Headmaster had produced one Resolution Book in all probabilities, the said Resolution Book had been manufactured. It is next to impossible that the concerned Madrasah did not pass any resolution in the year 2016. Admittedly, there is no signature of the petitioner Moumita Poddar in the Resolution Book.

Under such circumstances, we are of the considered opinion that the petitioner Moumita Poddar was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah. The Work Done Certificate as well as the Resolution Book have been manufactured for the purpose of verification by suppressing the official Attendance Register and the original Resolution Book of the Managing Committee.

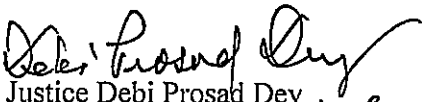
- 
1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 
2) Shri Manish Gupta 01/08/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay
(Member)


OBSERVATION

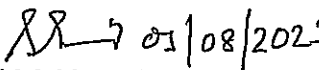
Debjani Dutta:- The petitioner is claiming herself as Gr. 'D' employee of Bhandari Gach Suru Bari High Madrasah, Jalpaiguri. As per the statement of Md. Noushad Ali, the Headmaster of the Bhandari Gach Suru Bari High Madrasah, the Rules of Recruitment in the alleged recruitment of Debjani Dutta being No. 93-SE/S/10R-14/2013 dated 09/02/2015 were not complied with. The report of the D.I. of Schools, Jalpaiguri also corroborated that the Rules of Recruitment were not complied with in the recruitment of the petitioner, Debjani Dutta. The statement of Noushad Ali, the Headmaster of the Bhandari Gach Suru Bari High Madrasah, clearly reveals that the Resolution Book has been prepared and number of pages remained blank since 2016.

On careful scrutiny of such Resolution Book, it transpires that the original Resolution Books of the Managing Committee have been withheld and the original Attendance Register has also not been produced in order to justify the claim of the petitioner Moumita Poddar. The Work Done Certificate issued by the Teacher-in-charge of the said Madrasah also cannot be relied on for the aforesaid reason.

Under such circumstances, we are of the considered opinion, that the petitioner Debjani Dutta was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah. The documents filed by her have not been corroborated by the official Attendance Register and resolution of the Managing Committee.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Abu Hossain:-The petitioner, Abu Hossain obtained only 38.53% in aggregate in his B.A. examination and he had no B. Ed. Degree on the date of his alleged appointment. The petitioner having no requisite qualification, is claiming himself to be an Asstt. Teacher, Bengali (Pass) in the Bhandari Gach Suru Bari High Madrasah at Jalpaiguri. As per the report of the Headmaster of Bhandari Gach Suru Bari High Madrasah, Md. Noushad Ali, the Rules of Recruitment of teaching and non-teaching staff were not followed in the alleged recruitment of the petitioner, Abu Hossain. Moreover, he had no requisite qualification to be appointed as Asstt. Teacher. The Headmaster of the said Madrasah further stated that the Resolution Book reveals that the same was commenced on 11/11/2015 and stated thereafter, no resolution has been recorded/passed since 13/01/2016 in his Madrasah and that so why, he could not produce any other Resolution Book. The Headmaster also did not produce the original Attendance Register. It is evident from the report submitted by the D.I. of Schools, Jalpaiguri that the alleged appointment of the petitioner, Abu Hossain, was not done following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. It is further apparent that the Headmaster had produced one Resolution Book in all probabilities, the said Resolution Book had been manufactured. It is next to impossible that the concerned Madrasah did not pass any resolution in the year 2016. Admittedly, there is no signature of the petitioner Abu Hossain in the Resolution Book.


Under such circumstances, we are of the considered opinion, that the petitioner Abu Hossain was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah. The Work Done Certificate as well as the Resolution Book have been manufactured for the purpose of verification by suppressing the official Attendance Register and the original Resolution Book of the Managing Committee.


- 1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 2) Shri Manish Gupta
(Member) 01/08/2023
- 3) Shri Sripati Mukhopadhyay
(Member) 01/8/2023

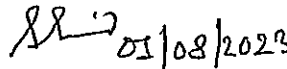
OBSERVATION

Md. Wahedul Islam:- The petitioner, Md. Wahedul Islam obtained only 44.37% in aggregate in his B.A. examination and he had no B. Ed. Degree on the date of his alleged appointment. The petitioner having no requisite qualification, is claiming himself to be an Asstt. Teacher, Geography in the Bhandari Gach Suru Bari High Madrasah at Jalpaiguri. As per the report of the Headmaster of Bhandari Gach Suru Bari High Madrasah, Md. Noushad Ali, the Rules of Recruitment of teaching and non-teaching staff were not followed in the alleged recruitment of the petitioner, Md. Wahedul Islam. Moreover, he had no requisite qualification to be appointed as Asstt. Teacher. The Headmaster of the said Madrasah further stated that the Resolution Book reveals that the same was commenced on 11/11/2015 and stated thereafter, no resolution has been recorded/passed since 13/01/2016 in his Madrasah and that so why, he could not produce any other Resolution Book. The Headmaster also did not produce the original Attendance Register. It is evident from the report submitted by the D.I. of Schools, Jalpaiguri that the alleged appointment of the petitioner, Abu Hossain, was not done following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. It is further apparent that the Headmaster had produced one Resolution Book in all probabilities, the said Resolution Book had been manufactured. It is next to impossible that the concerned Madrasah did not pass any resolution in the year 2016. Admittedly, there is no signature of the petitioner Md. Wahedul Islam in the Resolution Book.

Under such circumstances, we are of the considered opinion that the petitioner Md. Wahedul Islam was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah. The Work Done Certificate as well as the Resolution Book have been manufactured for the purpose of verification by suppressing the official Attendance Register and the original Resolution Book of the Managing Committee.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023

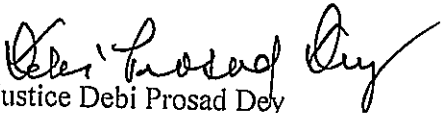

3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023


OBSERVATION

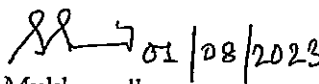
Sahajan Md. :-The petitioner is claiming himself as Gr. 'D' employee of Bhandari Gach Suru Bari High Madrasah, Jalpaiguri. As per the statement of Md. Noushad Ali, the Headmaster of the Bhandari Gach Suru Bari High Madrasah, the Rules of Recruitment in the alleged recruitment of Sahajan Md. being No. 93-SE/S/10R-14/2013 dated 09/02/2015 were not complied with. The report of the D.I. of Schools, Jalpaiguri also corroborated that the Rules of Recruitment were not complied with in the recruitment of the petitioner, Sahajan Md. The statement of Noushad Ali, the Headmaster of the Bhandari Gach Suru Bari High Madrasah, clearly reveals that the Resolution Book has been prepared and number of pages remained blank since 2016.

On careful scrutiny of such Resolution Book, it transpires that the original Resolution Books of the Managing Committee have been withheld and the original Attendance Register has also not been produced in order to justify the claim of the petitioner Sahajan Md. The Work Done Certificate issued by the Teacher-in-charge of the said Madrasah also cannot be relied on for the aforesaid reason.

Under such circumstances, we are of the considered opinion that the petitioner Sahajan Md. never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah. The documents filed by him have not been corroborated by the official Attendance Register and resolution of the Managing Committee.


1) Justice Debi Prosad Dey
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)

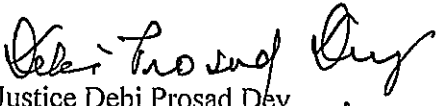

3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

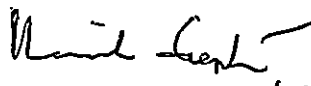
OBSERVATION

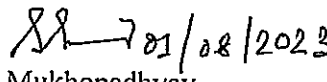
Saddam Hussain. :-The petitioner is claiming himself as Gr. 'C' employee of Bhandari Gach Suru Bari High Madrasah, Jalpaiguri. As per the statement of Md. Noushad Ali, the Headmaster of the Bhandari Gach Suru Bari High Madrasah, the Rules of Recruitment in the alleged recruitment of Saddam Hussain being No. 93-SE/S/10R-14/2013 dated 09/02/2015 were not complied with. The report of the D.I. of Schools, Jalpaiguri also corroborated that the Rules of Recruitment were not complied with in the recruitment of the petitioner, Saddam Hussain. The statement of Noushad Ali, the Headmaster of the Bhandari Gach Suru Bari High Madrasah, clearly reveals that the Resolution Book has been prepared and number of pages remained blank since 2016.

On careful scrutiny of such Resolution Book, it transpires that the original Resolution Books of the Managing Committee have been withheld and the original Attendance Register has also not been produced in order to justify the claim of the petitioner Saddam Hussain. The Work Done Certificate issued by the Teacher-in-charge of the said Madrasah also cannot be relied on for the aforesaid reason.

Under such circumstances, we are of the considered opinion that the petitioner Saddam Hussain never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah. The documents filed by him have not been corroborated by the official Attendance Register and resolution of the Managing Committee.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta 01/08/2023
(Member)

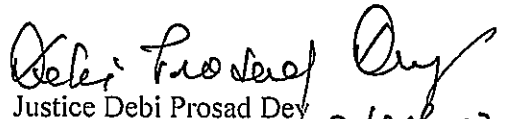

3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

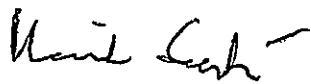
OBSERVATION

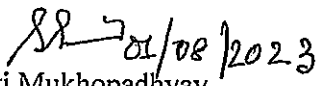
Ebrahim Md. :-The petitioner is claiming himself as Gr. 'C' employee of Bhandari Gach Suru Bari High Madrasah, Jalpaiguri. As per the statement of Md. Noushad Ali, the Headmaster of the Bhandari Gach Suru Bari High Madrasah, the Rules of Recruitment in the alleged recruitment of Ebrahim Md. being No. 93-SE/S/10R-14/2013 dated 09/02/2015 were not complied with. The report of the D.I. of Schools, Jalpaiguri also corroborated that the Rules of Recruitment were not complied with in the recruitment of the petitioner, Ebrahim Md. The statement of Noushad Ali, the Headmaster of the Bhandari Gach Suru Bari High Madrasah, clearly reveals that the Resolution Book has been prepared and number of pages remained blank since 2016.

On careful scrutiny of such Resolution Book, it transpires that the original Resolution Books of the Managing Committee have been withheld and the original Attendance Register has also not been produced in order to justify the claim of the petitioner Ebrahim Md. The Work Done Certificate issued by the Teacher-in-charge of the said Madrasah also cannot be relied on for the aforesaid reason.

Under such circumstances, we are of the considered opinion that the petitioner Ebrahim Md never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah. The documents filed by him have not been corroborated by the official Attendance Register and resolution of the Managing Committee.

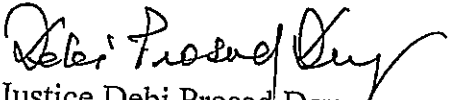

1) Justice Debi Prosad Dey
(Chairman) 01/08/2023

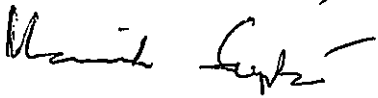

2) Shri Manish Gupta 01/08/2023
(Member)

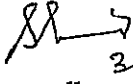

3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Manijul Sk: the Petitioner admittedly is claiming himself to be a casual Group-D employee of Aleya High Madrasah. The Petitioner was appointed as casual Group-D employee on 07.10.2015 as per the Resolution No.4 adopted by the Managing Committee on condition that Manijul Sk shall never claim to be a regular employee on the basis of his employment as casual Group-D employee at a remuneration of Rs.1000/- per month. The Head Master has also stated that Manijul Sk is working as Group-D employee on temporary basis/casual employee but he was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Head Master has further stated that the joining letter, appointment letter and experience certificate submitted by Manijul Sk are all false and fabricated. Manijul Sk is not a regular employee of Aleya High Madrasah. The D.I. of Schools, Nadia has also endorsed such statement of the Head Master. It may safely be stated that Manijul Sk is a casual Group-D employee of Aleya High Madrasah, but he was never recruited following the Rules of Recruitment as a regular employee. All the documents filed by Manijul Sk are false and fabricated in view of the statement made by Habibur Rahaman Mallick, Head Master of Aleya High Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Md. Rakibul Islam, Group-D:-The petitioner, Md. Rakibul Islam is claiming that he has been working as Group-D employee since 2014 at Amdanga Kendriya Siddiquia Hamidia Sr. Madrasah (Fazil), North 24 Parganas without being appointed formally by the Managing Committee of the Madrasah and without any remuneration. However, being aware of the vacancy in that Madrasah, the petitioner submitted a verbal prayer before the Secretary of the Managing Committee of the Madrasah and after taking his interview, the Managing Committee issued Appointment Letter to him on 13/01/2016 and 21/01/2016. Since then, he has been working and signing on a separate Attendance Register without being certified by the Superintendent of the Madrasah. The Attendance Register has been produced by the petitioner. The letter of appointment produced by the petitioner reveals that he was recruited as per recommendation of the Selection Committee of the Madrasah being Special Meeting No. SPL-01/AKSHRSM/FAZIL/2016 dated 13/01/2016.

The Superintendent of the Madrasah stated that no Selection Committee was formed at the time of alleged appointment of Rakibul Islam and the D.I. of School, North 24 Parganas, never gave him sanction/approval for recruitment of Group-D staff in the Madrasah.

On scrutiny of the Resolution Book, we do not find any such Resolution being no. SPL-01/AKSHRSM/FAZIL/2016 dated 13/01/2016. It is crystal clear that on the basis of an imaginary Resolution, the Appointment Letter was created and as per the statement of Sirajul Islam, the Superintendent of Amdanga Kendriya Siddiquia Hamidia Sr. Madrasah (Fazil), North 24 Parganas, Joining Letter, Appointment Letter and Work Done Certificate of the petitioner have been manufactured and prepared by Md. Mustaque in his personal capacity without any support or without any Resolution of the Managing Committee of the Madrasah and without following the Rules of Recruitment as per Govt. Notification. 93-SE/S/10R-14/2013 dated 09/02/2015.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment and he never attended the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register of the Madrasah.

- Debi Prosad Dey*
- 1) Justice Debi Prosad Dey
(Chairman) *01/08/2023*

Manish Gupta

 - 2) Shri Manish Gupta *01/08/2023*
(Member)

Sri Sripati Mukhopadhyay

 - 3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Tasfina Khatun, Assistant Teacher, History (H/PG). The petitioner is claiming that she was appointed on 04.03.2016 by the Managing Committee of Contai Rahamania High Madrasah (H.S), Purba Medinipur and she has been working in that Madrasah since 05.03.2016. The petitioner obtained 61.94% marks in her B.A. examination and also obtained Diploma in Elementary Education in the year 2011. It may be mentioned here that diploma in elementary education is necessary for appointment of any Teacher in Primary & Upper Primary Section of a School Madrasah. B.Ed. degree is a must for being appointed as Assistant Teacher in Higher Secondary section of a Madrasah for the post of Assistant Teacher (H/PG). Admittedly, the petitioner had no B.Ed. degree on the date of her alleged joining in the Madrasah. That clearly goes to show that she had no requisite qualification to be appointed as Assistant Teacher (H/PG). The petitioner further claimed that she came to know about such vacancy in such Madrasah from the advertisement made in the newspaper KALAM dated 19.12.2015 and THE STATESMAN dated 19.12.2015. The copies of such newspapers have been produced by the petitioner along with her written representation.

Firoz Khan being Assistant Teacher of Contai Rahamania High Madrasah (H.S), Purba Medinipur has been working as Teacher-in-Charge of the said Madrasah since 2013 and being Jt. Secretary to the Managing Committee, he is the official custodian of the Resolution Book. Firoz Khan has produced the original Resolution Book for the year 2015 & 2016. We do not find any Resolution in the original Resolution Book about publication of any advertisement or appointment of the petitioner. On the contrary, Firoz Khan has specifically stated that photocopy of Resolution on the strength of which the petitioner is claiming herself to be appointed by the Managing Committee is false and fabricated since during that period all the Resolutions were personally scribed by Firoz Khan.

The A.D.I. of Contai, Purba Medinipur as well as D.I. of Schools, Purba Medinipur Mr. Subhasis Mitra has categorically stated that no permission was obtained from his office for initiation of recruitment process in respect of the petitioner and the Madrasah authority never sent complete necessary paper regarding approval of service of the petitioner. Mr. Mitra has also filed a written report in respect of the petitioner.

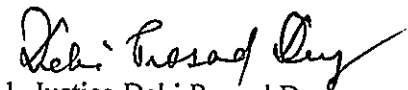
Firoz Khan, the then Teacher-in-Charge of the Madrasah has specifically stated that the petitioner was never appointed and the Resolution produced by the petitioner does not find place in the Resolution Book. Therefore, the Work Done Certificate said to have been issued by Firoz Khan, cannot be accepted.

On careful consideration of the documents and materials on record, we find that the petitioner, having no requisite qualification to be appointed as Assistant Teacher, History (H/PG), was never

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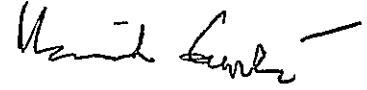
recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never attended the Madrasah as Assistant Teacher of History since 05.03.2016.



1. Justice Debi Prosad Dey

01/08/2023

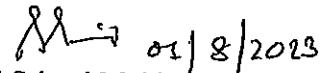
(Chairman)



2. Shri Manish Gupta

01/08/2023

(Member)



3. Shri Sripati Mukhopadhyay

(Member)

OBSERVATION

Sk. Insan Ali, Assistant Teacher, Bengali (Pass) : As per the petitioner is claiming that he was appointed as Assistant Teacher, Bengali (Pass) in the Higher Secondary section of the Madrasah on 04.03.2016 and he have been working since 05.03.2016.

D.L. Ed. is necessary for appointment of Teacher in Primary and Upper Primary section. B.Ed. degree is the requisite qualification of an Assistant Teacher to be appointed in Secondary/Higher Secondary section of the Madrasah. Admittedly, the petitioner was appointed in the Higher Secondary section of the Madrasah without having any B.Ed. degree and without having 50% marks in aggregate (obtained 48% marks in B.A. only).

Admittedly, the present Teacher-in-Charge, Maidul Khan did not issue any Work Done Certificate, therefore, the Work Done Certificate issued by the then Teacher-in-Charge from 2016 to 13.04.2022 appears to be doubtful in view of the statements made by the then Teacher-in-Charge, Firoz Khan. Firoz Khan specifically stated that the copy of Resolution filed by the petitioner is not genuine one and no Resolution was ever adopted by the Managing Committee for recruitment of the petitioner.

The A.D.I./D.I., Purba Medinipur, Mr. Subhasis Mitra by filing a report has specifically stated that no permission was obtained from the A.D.I., Contai at the time of alleged initiation of recruitment process or ever during the alleged recruitment of the petitioner. That goes to show that recruitment rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Administrator, Mr. Zahid Shahood, Dy. Magistrate of Sub-Divisional office of Contai took over the charge of the Madrasah as Administrator on 14.10.2022 but despite his repeated request the Secretary of the Managing Committee did not hand over any Resolution Book or papers of such Madrasah to the Administrator. The original Resolution Book for the year 2015 & 2016 has been produced by Firoz Khan, who was Teacher-in-Charge at the relevant point of time. We do not find any Resolution regarding appointment of the present petitioner. The original Attendance Registers of the Teachers or any copies thereof have not been produced. The Work Done Certificate also appears to be doubtful.

Under the circumstances stated above, we are of definite opinion that the petitioner has no requisite qualification to be appointed as Assistant Teacher of Bengali who was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the concerned Madrasah. There was no sanctioned vacancy

M. J. S. P. 2023

of Assistant Teacher, Bengali (Pass) in the said Madrasah on the date of alleged appointment of the petitioner.

Debi Prosad Dey 01/08/2023

1. Justice Debi Prosad Dey

(Chairman)

Manish Gupta

2. Shri Manish Gupta 01/08/2023

(Member)

Sripati Mukhopadhyay 01/8/2023

3. Shri Sripati Mukhopadhyay

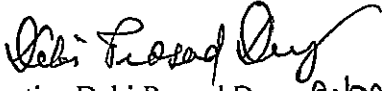
(Member)


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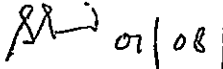
Mir Rahed, Assistant Teacher, Pure Science (Pass) : Admittedly, the petitioner obtained 43.25% marks in B.Sc. examination and had no B.Ed. degree on the date of his alleged recruitment. It is apparent that the petitioner had no requisite qualification on the date of his alleged recruitment. The Teacher-in-Charge also specifically stated that he was never recruited following the Rules of Recruitment and there is no Resolution in the Resolution Book of the Managing Committee about the appointment of the petitioner. We also do not find any Resolution in the original Resolution Book produced by Firoz Khan for the year 2015-2016, the photocopy of which has been produced by the petitioner along with his written representation. The A.D.I./D.I. of Schools, Purba Medinipur also corroborated a written report that no permission was obtained from his office in matters of alleged recruitment of the petitioner and the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with. The Administrator, Mr. Zahid Shahwood categorically stated that despite repeated requests to the present secretary of the Managing Committee, the Secretary did not hand over any Resolution Book or papers of such Madrasah to him for production before this Committee. The Administrator has also produced the letters addressed to the Secretary.

The Teacher-in-Charge also submitted a written representation stating *inter alia* that the petitioner was never appointed following the Rules of Recruitment.

Under the circumstances stated above, we are of definite opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never attended the Madrasah as Assistant Teacher of Pure Science (Pass). The Work Done Certificate, in absence of original Attendance Register and in view of such statement of Firoz Khan, Teacher-in-Charge of the Madrasah appears to be doubtful and cannot be reliable.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)


2. Shri Manish Gupta 01/08/2023
(Member)



3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

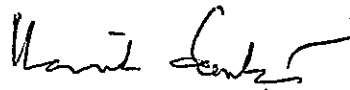
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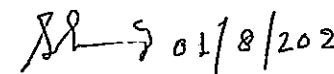
Aleya Khatun, Group – D : The petitioner is claiming that she was appointed as Group-D employee of the Madrasah on 18.01.2016 and she has been working since 20.01.2016. Admittedly, she did not appear in any written examination but the then Secretary directly issued appointment letter by perusing her application.

It is crystal clear that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with while giving appointment to the petitioner. The copy of Resolution filed by the petitioner also does not appear in the original Resolution Book produced by the then Teacher-in-Charge of the Madrasah. The then Teacher-in-Charge Firoz Khan by filing a letter as well as by examining himself, has categorically stated that no such appointment was given to the petitioner following the Rules of Recruitment. The D.I./A.D.I., Contai, Purba Medinipur, Mr. Subhasis Mitra by filing a report thereof has also stated that the petitioner was never appointed following the Rules of Recruitment. The original Attendance Register and other documents have not been produced before this Committee despite repeated requests to the Secretary by the Administrator of the Madrasah Mr. Zahid Shahwood. There was no sanctioned vacancy of Group – D on the date of her alleged recruitment of the petitioner.

Under the circumstances stated above, the petitioner was never recruited following the Rules of Recruitment and she never worked in the Madrasah in view of such statement of Firoz Khan.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)

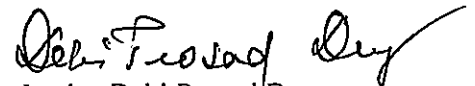

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Sk. Lazim, Group – D : The petitioner is claiming that he was appointed in terms of Govt. Circular no. 343 (20)/ME dated 11.12.2007 as Group – D (Lab Attendant) employee of the Madrasah on 16.11.2015 and he has been working in that Madrasah since 17.11.2015. Admittedly, he did not appear in any written examination or before any Interview Board and the Teacher-in-Charge never granted any Work Done Certificate in his favour.

It is crystal clear from such statement and letter of appointment filed by the petitioner that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with at the time of the alleged appointment of the petitioner. There is nothing in the alleged appointment letter that the petitioner was recruited under 10% Management Quota. On the contrary, there was no sanctioned vacant post of Group – D (Lab Attendant) on the date of the alleged appointment of the petitioner. The then Teacher-in-Charge, Firoz Khan has filed a written representation denying about the appointment /working of the petitioner in the Madrasah. He has also stated by producing the original Resolution Book for the year 2015 & 2016 that the petitioner was never recruited and never worked in the Madrasah. The Work Done Certificate thus appears to be doubtful. The present Administrator of the Madrasah also could not produce the original Attendance Registers and other necessary papers since the Secretary did not hand over such documents to the present Administrator of the Madrasah.

Under the circumstances stated above, we are of confident opinion that the petitioner was never appointed following the Rules of Recruitment by Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.



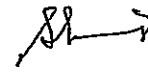
1. Justice Debi Prosad Dey
(Chairman)

22/08/2023



2. Shri Manish Gupta
(Member)

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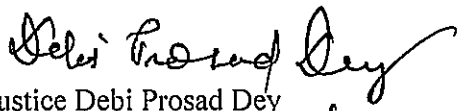
3. Shri Sripati Mukhopadhyay
(Member)

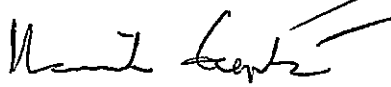
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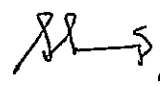
Sk. Abdul Mannan, Group – D : The petitioner is claiming that he was appointed in terms of Govt. Circular no. 343(20)/ME dated 11.12.2007 as Group – D (Lab Attendant) employee of the Madrasah on 30.11.2015 and has been working in that Madrasah since 01.12.2015. Admittedly, he did not appear in any written examination or before any Interview Board and the Teacher-in-Charge never granted any Work Done Certificate in his favour.

It is crystal clear from such statement and letter of appointment filed by the petitioner that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with at the time of the alleged appointment of the petitioner. There is nothing in the alleged appointment letter that the petitioner was recruited under 10% Management Quota. On the contrary, there was no sanctioned vacant post of Group – D (Lab Attendant) on the date of the alleged appointment of the petitioner. The then Teacher-in-Charge, Firoz Khan has filed a written representation denying about the appointment /working of the petitioner in the Madrasah. He has also stated by producing the original Resolution Book for the year 2015 & 2016 that the petitioner was never recruited and never worked in the Madrasah. The Work Done Certificate thus appears to be doubtful. The present Administrator of the Madrasah also could not produce the original Attendance Registers and other necessary papers since the Secretary did not hand over such documents to the present Administrator of the Madrasah.

Under the circumstances stated above, we are of confident opinion that the petitioner was never appointed following the Rules of Recruitment by Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023


OBSERVATIONS

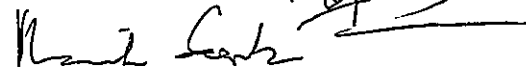
Sk. Rabiul Rahaman, Group – D : The petitioner is claiming that he was appointed in terms of Govt. Circular no. 343(20)/ME dated 11.12.2007 as Group – D (Lab Attendant) employee of the Madrasah on 30.11.2015 and has been working in that Madrasah since 01.12.2015. Admittedly, he did not appear in any written examination or before any Interview Board and the Teacher-in-Charge never granted any Work Done Certificate in his favour.

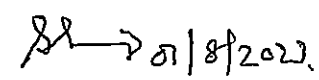
It is crystal clear from such statement and letter of appointment filed by the petitioner that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with at the time of the alleged appointment of the petitioner. There is nothing in the alleged appointment letter that the petitioner was recruited under 10% Management Quota. On the contrary, there was no sanctioned vacant post of Group – D (Lab Attendant) on the date of the alleged appointment of the petitioner. The then Teacher-in-Charge, Firoz Khan has filed a written representation denying about the appointment /working of the petitioner in the Madrasah. He has also stated by producing the original Resolution Book for the year 2015 & 2016 that the petitioner was never recruited and never worked in the Madrasah. The Work Done Certificate thus appears to be doubtful. The present Administrator of the Madrasah also could not produce the original Attendance Registers and other necessary papers since the Secretary did not hand over such documents to the present Administrator of the Madrasah.

In fact, the petitioner died on 30.01.2023. Samma Bibi w/o – Late Rabiul Rabaham has produced the Death Certificate before this Committee.

Unfortunately, under the circumstances stated above, we are of confident opinion that the petitioner was never appointed following the Rules of Recruitment by Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman)

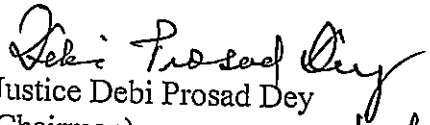

2. Shri Manish Gupta
(Member)

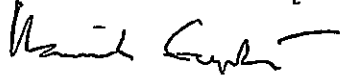

3. Shri Sripati Mukhopadhyay
(Member)

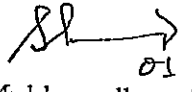
OBSERVATION

Rijia Sultana, Assistant Teacher History (Pass). The Petitioner obtained 43.22% in B.A. examination and thereby claiming herself as Assistant Teacher History (Pass) appointed by the Managing Committee under 10% management quota. Admittedly, the Petitioner has got no requisite qualification to be appointed as Assistant Teacher (History). Successively, the Teacher In-charge and Headmaster of Bhabanipur Model High Madrasah (H.S) never granted any Work Done Certificate to the Petitioner. The Petitioner also did not sign on the official Attendance Register maintained by the Madrasah. The D.I. of Schools, Malda by filing a report categorically stated that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 has not been complied with in the alleged appointment of the Petitioner. In absence of the original resolution book, we cannot accept that the Petitioner was recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also submitted that there is no signature of the Petitioner in the Attendance Register officially maintained by the Madrasah.

Considering the materials on record, statement of the Headmaster, D.I of Schools, Malda and the statement of the Petitioner, we are of considered opinion that the Petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the Petitioner never worked in the Madrasah. The Work Done Certificate issued by the Secretary has had no value since the Petitioner did not sign on the official Attendance Register maintained by the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 08/08/2023


2. Shri Manish Gupta 07/08/2023
(Member)



3. Shri Sripati Mukhopadhyay 01/08/2022
(Member)


OBSERVATION

Md. Jubair Ali, Assistant Teacher History (Pass). The Petitioner obtained 44.64% in B.A. examination and thereby claiming himself as Assistant Teacher History, (Pass) appointed by the Managing Committee under 10% management quota. Admittedly, the Petitioner has got no requisite qualification to be appointed as Assistant Teacher (History). Successively the Teacher In-charge and Headmaster of Bhabanipur Model High Madrasah (H.S) never granted any Work Done Certificate to the Petitioner. The Petitioner also did not sign on the official Attendance Register maintained by the Madrasah. The D.I. of Schools, Malda by filing a report categorically stated that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 has not been complied with in the alleged appointment of the Petitioner. In absence of the original resolution book, we cannot accept that the Petitioner was recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also submitted that there is no signature of the Petitioner in the Attendance Register officially maintained by the Madrasah.

Considering the materials on record, statement of the Headmaster, D.I of Schools, Malda and the statement of the Petitioner, we are of the considered opinion that the Petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the Petitioner never worked in the Madrasah. The Work Done Certificate issued by the Secretary has had no value since the Petitioner did not sign on the official Attendance Register maintained by the Madrasah.


1. Justice Debi Prosad Dey
(Chairman)

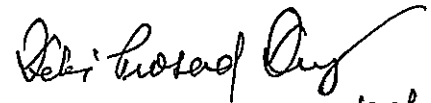

2. Shri Manish Gupta
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Nazrul Islam, Asstt. Teacher, History (Pass):-The petitioner, Nazrul Islam aged about 52 years, is claiming that he has been appointed on 30/05/2018 by the Managing Committee of the Madrasah being satisfied with his service rendered in the Institution as Para Teacher. Admittedly, the petitioner was aged about more than 46 years on the date of his alleged appointment. The resolution dated 25/05/2018 with a meeting no. 2/2018-2019 reveals that he was directly appointed by the Managing Committee of the Madrasah since he had been working as Para Teacher on and from 2007. Md. Salam, the Headmaster of the Bheramari A. M. High Madrasah, Birbhum, specifically stated that the petitioner, Nazrul Islam has been working as Para Teacher in the Madrasah since 2007 at a monthly salary of Rs. 12,000/- and he has no knowledge about the resolution dated 25/05/2018. The D.I. of School, Birbhum, has however, stated that the petitioner, Nazrul Islam was never recruited following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

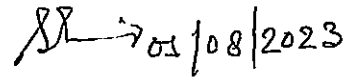
Under the circumstances stated above, we are of the considered view that the petitioner, Nazrul Islam, having no requisite qualification and aged⁵² to be appointed as Asstt. Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked as legally Asstt. Teacher in that Madrasah. However, he has been working since 2007 as Para Teacher at a monthly salary of Rs. 12,000/- in the Madrasah.



1) Justice Debi Prosad Dey 01/08/2023
(Chairman)



2) Shri Manish Gupta 07/08/2023
(Member)

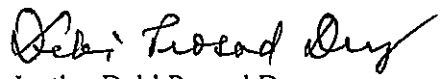


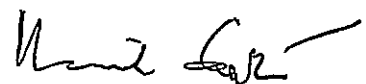
3) Shri Sripati Mukhopadhyay
(Member)

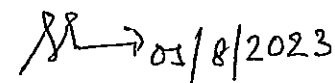
OBSERVATION

Makhan Mondal, Asstt. Teacher, Bio Science (Pass):-As per the petitioner, he has been working since 01/06/2018 on the strength of the resolution adopted by the Managing Committee on 30/05/2018. The said resolution reveals that since the petitioner, Makhan Mondal had been working voluntary in that Madrasah and that's why the Managing committee directly gave him appointment without compliance with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The petitioner also admitted that he never appeared before the Selection Committee for being recruited as Asstt. Teacher of the Madrasah. The D.I. of School, Birbhum, also stated that the petitioner, Makhan Mondal was never recruited following the Rules of recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. Makhan Mondal used to sign on a separate attendance register along with one Nazrul Islam. He never signed in the official attendance register maintained by the Madrasah.

Under the circumstances stated above, we are of the considered view that the petitioner, Makhan Mondal was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked as legally Asstt. Teacher in that Madrasah.


1) Justice Debi Prosad Dey *01/08/22*
(Chairman)


2) Shri Manish Gupta *07/08/2022*
(Member)

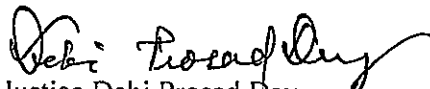

3) Shri Sripati Mukhopadhyay *03/8/2023*
(Member)


OBSERVATION

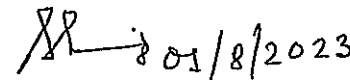
Nafijul Molla, Gr. 'C'(Clerk):—The petitioner, Nafijul Molla is claiming himself as Group 'C' (Clerk) of Bheramari A.M. High Madrasah, Birbhum. As per the petitioner, he joined in the said Madrasah on 28/06/2019 on receipt of the appointment letter dated 25/06/2019. He has been working in the said Madrasah since 28/06/2019. The record reveals that the vacancy of the petitioner was duly published in two State Level Dailies at least three months prior to the date of examination. The petitioner appeared in the written examination and after being successful in such examination, the Managing Committee of the Madrasah issued appointment letter in his favour. Ultimately, he joined the Madrasah on 28/06/2019. We find the necessary resolution in the Resolution Book. Two State Level Dailies, namely, 'Ek Din' and 'Indian Express' have been filed to show that the vacancies were duly published in the Newspaper.

Md. Salam, the Headmaster of the Bheramari A.M. High Madrasah, Birbhum, has also admitted the recruitment of the petitioner following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The attested copy of the resolution and the attendance register have been filed to show that the petitioner was validly recruited and that he has been working in that Madrasah. The D.I. of School, Birbhum, has however, stated that Clause 5 G.O. No. 486-MD/O/2M-11/2016 dated 03/03/2016 was not complied with. It is evident from Clause 5 that mere intimation has to be given to the D.I. of School but, the recruitment is to be made in accordance with the Rules of the Managing Committee. The work done certificate has duly been granted by the Headmaster of the Madrasah to establish that the petitioner joined the Madrasah on 28/06/2019 and he has been working in that Institution from 28/06/2019 till date.

Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 has had direct bearing with Section 4 of the West Bengal School (Control of Expenditure) Act, 2005. Section 5 of the West Bengal School (Control and Expenditure) Act, 2005 provide that any recruitment contrary to Section 4 of the Act is void. In that view of this case, the Madrasah Authority has not complied with Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and the said rules were not complied with at the time of recruitment of the Petitioner. The Petitioner, however, has been working as Group-C employee since 28.06.2019.


1) Justice Debi Prosad Dey
(Chairman) 08/08/2023


2) Shri Manish Gupta
(Member) 07/08/2023

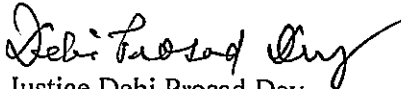

3) Shri Sripati Mukhopadhyay
(Member) 01/8/2023

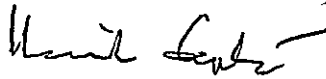
OBSERVATION

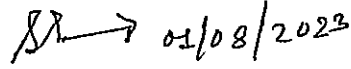
Sk. Yasin, Gr. 'D':-The petitioner, Sk. Yasin is claiming himself as Group 'D' of Bheramari A.M. High Madrasah, Birbhum. As per the petitioner, he joined in the said Madrasah on 28/06/2019 on receipt of the appointment letter dated 25/06/2019. He has been working in the said Madrasah since 28/06/2019. The record reveals that the vacancy of the petitioner was duly published in two State Level Dailies at least three months prior to the date of examination. The petitioner appeared in the written examination and after being successful in such examination, the Managing Committee of the Madrasah issued appointment letter in his favour. Ultimately, he joined the Madrasah on 28/06/2019. We find the necessary resolution in the Resolution Book. Two State Level Dailies, namely, 'Ek Din' and 'Indian Express' have been filed to show that the vacancies were duly published in the Newspaper.

Md. Salam, the Headmaster of the Bheramari A.M. High Madrasah, Birbhum, has also admitted the recruitment of the petitioner following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The attested copy of the resolution and the attendance register have been filed to show that the petitioner was validly recruited and that he has been working in that Madrasah. The D.I. of School, Birbhum, has however, stated that Clause 5 G.O. No. 486-MD/O/2M-11/2016 dated 03/03/2016 was not complied with. It is evident from Clause 5 that mere intimation has to be given to the D.I. of School but, the recruitment is to be made in accordance with the Rules of the Managing Committee. The work done certificate has duly been granted by the Headmaster of the Madrasah to establish that the petitioner joined the Madrasah on 28/06/2019 and he has been working in that Institution from 28/06/2019 till date.

Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 has had direct bearing with Section 4 of the West Bengal School (Control of Expenditure) Act, 2005. Section 5 of the West Bengal School (Control and Expenditure) Act, 2005 provide that any recruitment contrary to Section 4 of the Act is void. In that view of this case, the Madrasah Authority has not complied with Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and the said rules were not complied with at the time of recruitment of the Petitioner. The Petitioner, however, has been working as Group-D employee since 28.06.2019.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta 01/08/2023
(Member)

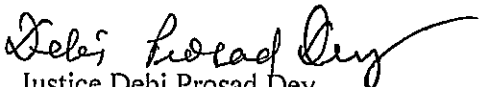

3) Shri Sripati Mukhopadhyay
(Member)


OBSERVATION

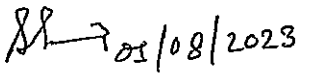
Parsona Khatun, Gr. 'D':-The petitioner, Parsona Khatun is claiming herself as Group 'D' of Bheramari A.M. High Madrasah, Birbhum. As per the petitioner, she joined in the said Madrasah on 28/06/2019 on receipt of the appointment letter dated 25/06/2019. She has been working in the said Madrasah since 28/06/2019. The record reveals that the vacancy of the petitioner was duly published in two State Level Dailies at least three months prior to the date of examination. The petitioner appeared in the written examination and after being successful in such examination, the Managing Committee of the Madrasah issued appointment letter in her favour. Ultimately, she joined the Madrasah on 28/06/2019. We find the necessary resolution in the Resolution Book. Two State Level Dailies, namely, 'Ek Din' and 'Indian Express' have been filed to show that the vacancies were duly published in the Newspaper.

Md. Salam, the Headmaster of the Bheramari A.M. High Madrasah, Birbhum, has also admitted the recruitment of the petitioner following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The attested copy of the resolution and the attendance register have been filed to show that the petitioner was validly recruited and that she has been working in that Madrasah. The D.I. of School, Birbhum, has however, stated that Clause 5 of G.O. No. 486-MD/O/2M-11/2016 dated 03/03/2016 was not complied with. It is evident from Clause 5 that mere intimation has to be given to the D.I. of School but, the recruitment is to be made in accordance with the Rules of the Managing Committee. The work done certificate has duly been granted by the Headmaster of the Madrasah to establish that the petitioner joined the Madrasah on 28/06/2019 and she has been working in that Institution from 28/06/2019 till date.

Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 has had direct bearing with Section 4 of the West Bengal School (Control of Expenditure) Act, 2005. Section 5 of the West Bengal School (Control and Expenditure) Act, 2005 provide that any recruitment contrary to Section 4 of the Act is void. In that view of this case, the Madrasah Authority has not complied with Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and the said rules were not complied with at the time of recruitment of the Petitioner. The Petitioner, however, has been working as Group-D employee since 28.06.2019.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023

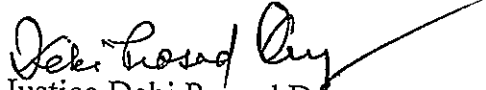

3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023


OBSERVATION

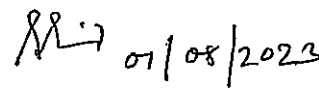
Ashmina Khatun, Group-D : The Petitioner is claiming herself as Group-D employee of Dahakanda Siddiquia High Madrasah, South 24 Parganas said to have been appointed on 05.11.2015. As per the statement of said Manjur Ahmed, there was no existence of valid Managing Committee from 23.03.2015 to 16.11.2016. Moreover, the signature of the Secretary was allegedly forged by one Nakibuddin Molla and others and that is why one G.R. case No. 2400/2019 was started against Nakibuddin Molla and Others. The photostat copy of the chargesheet has been filed by the Headmaster and kept with the record. There is no resolution in the Resolution Book of the Managing Committee that the Petitioner was recruited following the Rules of Recruitment as contemplated in Govt. Notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The D.I. of Schools, South 24 Parganas has also stated that no intimation was given to the Government about alleged appointment of the Petitioner.

Under the circumstances stated above, we are of the considered opinion that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked as a Group-D employee in the Madrasah. The Petitioner herself stated that, one fine morning the Appointment Letter was handed over to her by the Secretary of the Madrasah, Mozzamal Molla.

She could not produce any valid Work Done Certificate but has produced two photostat copies of Work Done Certificates. In absence of the originals, we could not place reliance on such photostat copies of documents.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

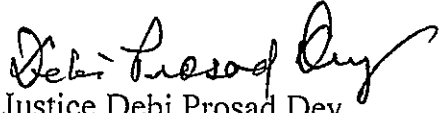

2. Shri Manish Gupta 01/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

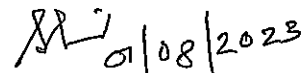
OBSERVATION

Abu Bakkar Mondal, Assistant Teacher, Bengali (Pass) : The Petitioner is claiming himself as Assistant Teacher, Bengali (Pass) and he joined in Dahakanda Siddiquia High Madrasah, South 24 Parganas on 17.11.2015. On scrutiny of the original Resolution Book, we do not find any resolution that Abu Bakkar Mondal was recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Petitioner had no B. Ed. degree and thereby the Petitioner had no requisite qualification to be appointed as Assistant Teacher, Bengali (Pass). The signature of the then Secretary of the Madrasah was manufactured by Nakibuddin Molla and that is why a Police Case being No. G.R. Case no. 2400/20 was started and chargesheet was framed against Nakibuddin Molla and Others. The D.I. of Schools, South 24 parganas also corroborated that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015.

In absence of any resolution, official Attendance Register, statements and documents filed by the party, we are of the considered opinion that Abu Bakkar Mondal was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

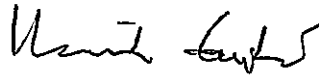
OBSERVATION

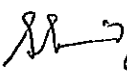
Sk. Azaharuddin, Assistant Teacher, Work Education (Pass) : The Petitioner is claiming himself to have been appointed as Assistant Teacher, Work Education (Pass) on 16.11.2015. Admittedly, he did not appear in written examination and he stopped attending Madrasah since March 2020. He never signed on the official Attendance Register. We do not find any resolution from the Official Resolution Book about the recruitment of the Petitioner or the signature of the Petitioner in the Attendance Register. Photocopy of the work done certificate issued by the Secretary also raised doubt about the statement of the Petitioner to joined as Assistant Teacher, Work Education (Pass) in Dahakanda Siddiquia High Madrasah, South 24 Parganas. The D.I. of Schools, South 24 parganas also stated that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Under the circumstances stated above, we are of the considered opinion that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 for want of valid resolution in the Resolution Book of the Managing Committee, valid Work Done Certificate or the signature of the Petitioner in the official Attendance Register.

Considering the aforesaid materials and statements, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE S 10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

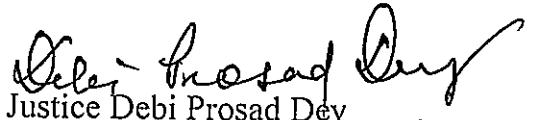

2. Shri Manish Gupta 01/08/2023
(Member)

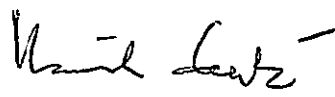

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

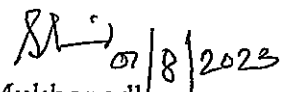
OBSERVATION

Rajjak Laskar, Assistant Teacher, English (H/PG) : The Petitioner is claiming himself as Assistant Teacher, English (H/PG) and he joined in the Dahakanda Siddiquia High Madrasah, South 24 Parganas on 17.11.2015. On scrutiny of the original Resolution Book, we do not find any resolution that Rajjak Laskar was recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Petitioner had no B. Ed. degree and thereby the Petitioner had no requisite qualification to be appointed as Assistant Teacher, English (H/PG). The signature of the then Secretary of the Madrasah was manufactured by Nakibuddin Molla and that is why a Police Case being No. G.R. Case no. 2400/20 was started and chargesheet was framed against Nakibuddin Molla and Others. The D.I. of Schools, South 24 Parganas also corroborated that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015.

In absence of any resolution, official Attendance Register, statements and documents filed by the party, we are of the considered opinion that Rajjak Laskar was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 21/08/2023



2. Shri Manish Gupta 07/08/2023
(Member)

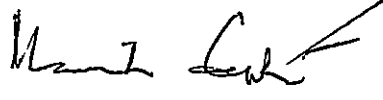

3. Shri Sripati Mukhopadhyay
(Member)

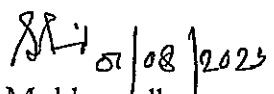
OBSERVATION

Nakib Uddin Molla, Group-C (Clerk) : Admittedly, he was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The photostat copy of the Work Done Certificate have been produced without producing the original thereof. On scrutiny of the original Resolution Book and the official Attendance Register, we do not find any whisper about recruitment of the Petitioner following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster and D.I. of Schools, South 24 Parganas have also stated that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015.

In the premises set forth above, we are of the considered view that he was never appointed following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah under reference.


1. Justice Debi Prosad Dey
(Chairman) 09/08/2023

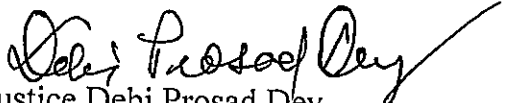

2. Shri Manish Gupta 07/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

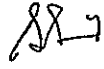
OBSERVATION

Md. Samsul Arifin, Assistant Teacher, Arabic (Pass) : The Petitioner is claiming himself as Assistant Teacher, Arabic (Pass) and he joined in the Dahakanda Siddiquia High Madrasah, South 24 Parganas on 17.11.2015. On scrutiny of the original Resolution Book, we do not find any resolution that Md. Samsul Arifin was recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Petitioner had no B. Ed. degree and thereby the Petitioner had no requisite qualification to be appointed as Assistant Teacher, Arabic (Pass). The signature of the then Secretary of the Madrasah was manufactured by Nakibuddin Molla and that is why a Police Case being No. G.R. Case no. 2400/20 was started and chargesheet was framed against Nakibuddin Molla and Others. The D.I. of Schools, South 24 Parganas also corroborated that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015.

In absence of any resolution, official Attendance Register, statements and documents filed by the party, we are of the considered opinion that Md. Samsul Arifin was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 09/08/2023


2. Shri Manish Gupta 07/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

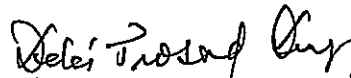
OBSERVATION

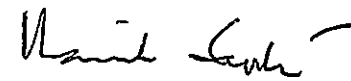
Sk. Mokhlesur Rahaman, Asstt. Teacher, Arabic (Pass) : The claim of the Petitioner is that he has been appointed as Assistant Teacher, Arabic (Pass) on 07.10.2015 at Chhutargeria F.B. High Madrasah, Paschim Medinipur by the Managing Committee and he has been working since then. The documents produced by the Petitioner reveals that the petitioner obtained only 39.07% marks in aggregate in Graduation and he had no B.Ed. degree at the time of his appointment. From the documents produced by the Petitioner, it is crystal clear that the petitioner had no requisite qualification to be appointed as Assistant Teacher.

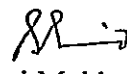
Secondly, the Resolution of the Managing Committee being no. 139 dated 07.10.2015 clearly show that the recruitment rules were not complied with at the time of giving appointment to the Petitioner. The Headmaster, Md. Israfil Khan and D.I. of Schools, Paschim Medinipur by filing a report have specifically stated that the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with at the time of alleged appointment of Sk. Mokhlesur Rahaman. The Headmaster, however, admitted that Sk. Moklesur Rahaman has been working since 07.10.2015. The official Attendance Register maintained by the Madrasah, however, does not reflect the attendance/signature of the Petitioner. The separate Attendance Register also cannot be taken into consideration regarding valid appointment and working in the Madrasah.

The D.I. of Schools, Paschim Medinipur has specifically stated that pursuant to the direction of the order of Hon'ble Supreme Court, all the appointments including the Petitioner was scrutinized and found illegal and that's why no appointment was given to the Petitioner.

In short, we are of the considered opinion that Sk. Mokhlesur Rahaman was never recruited following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he had no qualification to be appointed as Assistant Teacher, Arabic (Pass).


1. Justice Debi Prosad Dey 21/07/2023
(Chairman)


2. Shri Manish Gupta 21/07/2023
(Member)



3. Shri Sripati Mukhopadhyay 21/07/2023
(Member)

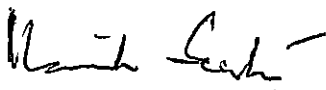
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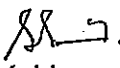
Sahana Khatun, Assistant Teacher, Bengali (Pass) : She is claiming herself as Assistant Teacher of Chhutargeria F.B. High Madrasah, Paschim Medinipur. Admittedly, Sahana Khatun has no B.Ed. degree on the date of her alleged appointment in this Madrasah and therefore, she had no requisite qualification to be appointed as Assistant Teacher in terms of alleged eligibility as decided in N.C.T.E. guidelines. The resolution being no. 139 dated 07.10.2015 of the Managing Committee also reveals that the rules of recruitment prevailing at that point of time being no. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with at the time of giving appointment to the Petitioner. The official Attendance Register also does not bear the signature of the Petitioner. To accept that, she has been working since 08.10.2015. Separate Attendance Register having no signature of any authorized office bearer of the Madrasah would not prove the case of the Petitioner that she has been working in the Madrasah since 08.10.2015.

The D.I. of Schools, Paschim Medinipur has specifically stated that pursuant to the direction of the order of Hon'ble Supreme Court, all the appointments including the Petitioner was scrutinized and found illegal and that's why no appointment was given to the Petitioner.

In conclusion, we are of the considered opinion that Sahana Khatun was never recruited following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she had no requisite qualification to be appointed as Assistant Teacher, Bengali (Pass).


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)

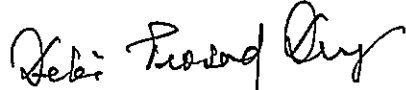

3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

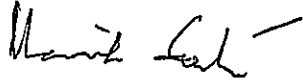
OBSERVATION

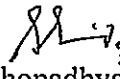
Jaynal Abedin Mollick, Assistant Teacher, Bio-Science (Pass) : The claim of the petitioner is that he has been appointed as Assistant Teacher, Bio-Science (Pass) on 07.10.2015 by the Managing Committee of Chhutargeria F.B. High Madrasah, Paschim Medinipur. Petitioner, Jaynal Abedin Mollick obtained 45.7% in B.Sc. and had no B.Ed. degree on the date of the alleged appointment at the Madrasah. The resolution dated 07.10.2015 being meeting no. 139 clearly reveals that the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with at the time of giving alleged appointment to the Petitioner. No Work Done Certificate was issued by the Headmaster of the Madrasah considering the entire materials and documents produced by the petitioner.

The D.I. of Schools, Paschim Medinipur has specifically stated that pursuant to the direction of the order of Hon'ble Supreme Court, all the appointments including the Petitioners were scrutinized and found illegal and that's why no approval was given to the Petitioner.

We are of the considered opinion that the petitioner was never recruited following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he had no requisite qualification to be appointed as Assistant Teacher, Bio-Science (Pass).


1. Justice Debi Prosad Dey 20/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

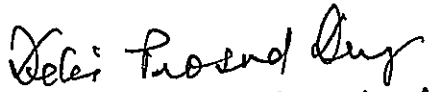
Sk. Aslam Ali, Group-C (Librarian): On the strength of the Resolution of the Managing Committee vide Special Meeting No. SPL-01A/BHAAHMHS/ 2016 dated 09.11.2015, the petitioner is claiming himself as Librarian of Bijoyramchawk Haji Ahammad Ali High Madrasah (H.S). The petitioner has filed one Work Done Certificate issued by Sk. Nazrul Islam. As per Petitioner, he appeared in an interview and he never appeared in any written examination for being recruited as Librarian. The copies of Attendance Register filed by the petitioner have not been certified by the competent authority of the Madrasah or the Teacher-in-Charge. The said photo copies of Attendance Register are not the valid documents of the Madrasah.

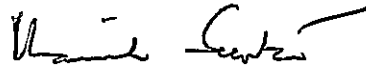
The Teacher-in-Charge, Md. Ariful Anwar by producing the original Attendance Register and the Resolution Book of the Managing Committee, has specifically stated that no Resolution was ever adopted by the Managing Committee as mentioned in the alleged appointment letter of the petitioner and the petitioner never signed in the official Attendance Register. The Secretary of the Madrasah had no occasion to issue Work Done Certificate in favour of the Petitioner. The Teacher-in-Charge did not issue any Work Done Certificate.

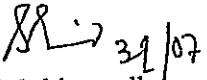
The A.D.I., Contai, Subhashis Mitra has specifically stated by filing a report thereof, the claim of the petitioner is fake and fabricated simply on the ground that there was no intimation to A.D.I., Contai about such appointment and there was no sanction post of Librarian in the Madrasah.

It is, therefore, apparent that there was no sanction post of Librarian. The petitioner has claimed on the basis of imaginary Resolution of the Managing Committee. There is no signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we are of definite opinion that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey, 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

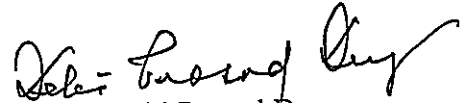
Sk. Sartaj Ali, Group-C (Clerk): On the strength of the Resolution of the Managing Committee vide Special Meeting No. SPL-01A/BHAAHMHS/ 2016 dated 09.11.2015, the petitioner is claiming himself as Group-C (Clerk) of Bijoyramchawk Haji Ahammad Ali High Madrasah (H.S). The petitioner has filed one Work Done Certificate issued by Sk. Nazrul Islam. As per Petitioner, he appeared in an interview and he never appeared in any written examination for being recruited as Group-C (Clerk). The copies of Attendance Register filed by the petitioner have not been certified by the competent authority of the Madrasah or the Teacher-in-Charge. The said photo copies of Attendance Register are not the valid document of the Madrasah.

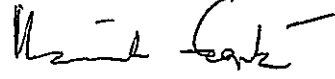
The Teacher-in-Charge, Md. Ariful Anwar by producing the original Attendance Register and the Resolution Book of the Managing Committee, has specifically stated that no Resolution was ever adopted by the Managing Committee as mentioned in the alleged appointment letter of the petitioner and the petitioner never signed in the official Attendance Register. The Secretary of the Madrasah had no occasion to issue Work Done Certificate in favour of the Petitioner. The Teacher-in-Charge did not issue any Work Done Certificate.

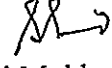
The A.D.I., Contai, Subhashis Mitra has specifically stated by filing a report thereof, the claim of the petitioner is fake and fabricated simply on the ground that there was no intimation to A.D.I., Contai about such appointment and there was no sanction post of Librarian in the Madrasah.

It is, therefore, apparent that there was no sanction post of Clerk (Group-C). The petitioner has claimed on the basis of imaginary Resolution of the Managing Committee. There is no signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we are of definite opinion that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

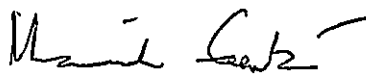
Sk. Nobinewas, the Petitioner is claiming that he was appointed as Asstt. Teacher Arabic (pass) in terms of the order dated 25.08.2015 passed by Hon'ble Division Bench of Calcutta High Court in AST No. 192/2014, AST No. 140/2014 and MAT No. 473/2014. No such direction was ever passed by the Hon'ble High Court for appointment of the Petitioner. As per the report of D.I. of Schools, the Chuadanga Jr. High Madrasah was not recognized by the Government in the year 2016 and the Madrasah had ^{no} not recognized and valid Managing Committee in the year 2016. The Teacher In-charge of Chuadanga Jr. High Madrasah also did not appear despite repeated issuance of notices.

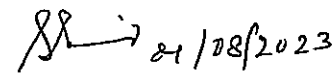
Under such circumstances the claim of the Petitioner appears to be fake and fabricated.

One Mr. Atiar Rahman, Asstt. Teacher of Kaderia High Madrasah lodged complaint stating interalia that all the present teachers of Chuadanga Jr. High Madrasah are illegally drawing salary since they were allegedly recruited when the Madrasah was not recognized by West Bengal Board of Madrasah and there was no valid Managing Committee. For that reason, the Teacher In-charge, Mamoni Sasmal @ Faria Tabasum did not appear before this Committee with the Resolution Book ^{u-3} was not placed containing Application No.177 of 2022 before the committee constituted by Hon'ble Supreme Court. They are drawing salary illegally causing huge loss to the public exchequer. We, therefore, drawn the attention of the Government to look into the matter.

Under the circumstances stated above, we are of considered opinion that the Petitioner was never appointed following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the Petitioner never worked in Chuadanga Jr. High Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

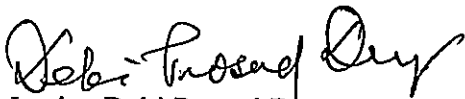
OBSERVATION


Sk. Hasanur Jaman, the Petitioner is claiming that he was appointed Group-D employee in terms of the order dated 25.08.2015 passed by Hon'ble Division Bench of Calcutta High Court in AST No. 192/2014, AST No. 140/2014 and MAT No. 473/2014. No such direction was ever passed by the Hon'ble High Court for appointment of the Petitioner. As per the report of D.I. of Schools, the Chuadanga Jr. High Madrasah was not recognized by the Government in the year 2016 and the Madrasah had ^{no} not recognized and ^{SS} valid Managing Committee in the year 2016. The Teacher In-charge of Chuadanga Jr. High Madrasah also did not appear despite repeated issuance of notices.

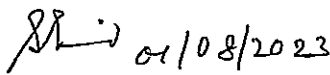
Under such circumstances the claim of the Petitioner appears to be fake and fabricated.

One Mr. Atiar Rahman, Asstt. Teacher of Kaderia High Madrasah lodged complaint stating *inter alia* that all the present teachers of Chuadanga Jr. High Madrasah are illegally drawing salary since they were allegedly recruited when the Madrasah was not recognized by West Bengal Board of Madrasah and there was no valid Managing Committee. For that reason, the Teacher In-charge, Mamoni Sasmal @ Faria Tabasum did not appear before this Committee with the Resolution Book was not placed containing Application No.177 of 2022 before the committee constituted by Hon'ble Supreme Court. They are drawing salary illegally causing huge loss to the public exchequer. We therefore drawn the attention of the Government to look into the matter.

Under the circumstances stated above, we are of considered opinion that the Petitioner was never appointed following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the Petitioner never worked in Chuadanga Jr. High Madrasah.

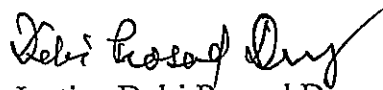

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

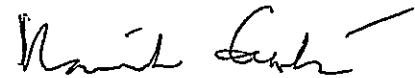

2. Shri Manish Gupta 01/08/2023
(Member)

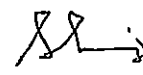

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Delwar Hossain:- The petitioner, Md. Delwar Hossain is claiming to have been appointed as Gr. 'D' (Peon) in DBS Junior High Madrasah for Girls, Murshidabad. According to the petitioner, he was appointed on 13/01/2016 and joined on 21/01/2016. On perusal of the original Resolution Book,. The resolution of the Managing Committee of the year 2010 appears to have been tampered with ^{and} ~~the~~ interpolated with different ink. There is no signature of the petitioner in the official attendance register. No Work Done Certificate has been issued by the ^{Headmistress} ~~Headmaster~~ of DBS Junior High Madrasah for Girls. As per Rules, no male person can be appointed as Peon in the Girls Madrasah and therefore, the claim of the petitioner is false and fabricated. The petitioner was never recruited following the Rules of recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he is not entitled to get any salary from the Government of West Bengal.


1) Justice Debi Prosad Dey ^{01/08/2023}
(Chairman)


2) Shri Manish Gupta ^{01/08/2023}
(Member)


3) Shri Sripati Mukhopadhyay ^{01/8/2023}
(Member)

OBSERVATION

Snehasis Giri, Assistant Teacher, Computer Science (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Computer Science (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and ~~she~~ ^{he} has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner having no requisite qualification claims to have been working since 01.03.2016. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc

29/05/2023

02/06/23

Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur.

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

sm
02/08/2014

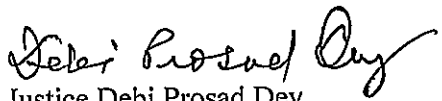
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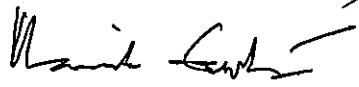
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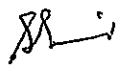
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

Goutam Panja, Assistant Teacher, Physics (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

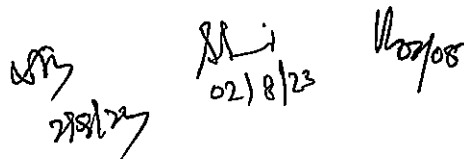
The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner and there was no recognition of the Madrasah concerned by the Board.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Physics (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner obtained B.Ed. degree in the year 2017 and that goes to show that he had no B.Ed. degree at the time of his alleged recruitment. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also does not justify the legality of recruitment since the Ad-hoc Managing Committee does not have the requisite power to recruit any Assistant Teacher. The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took


Handwritten signatures and dates: 27/8/23, 02/8/23, 02/08

permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matter of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

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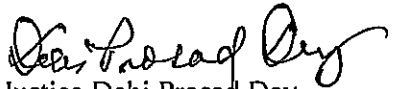
The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

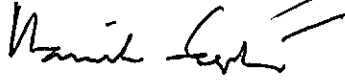
The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

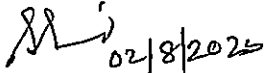
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 21/8/23


2. Shri Manish Gupta 02/8/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Rajkumar Bag, Assistant Teacher, ENVS (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Assistant Teacher, ENVS (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.02.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

The A.D.I. Contai as well as the D.I. of Schools, Purba Medinipur has stated by filing a report that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with in the alleged recruitment of the petitioner.

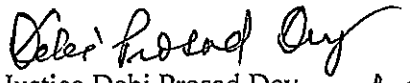
Under the circumstances stated above, it is apparent that the Madrasah had no valid sanction and had no validly constituted Managing Committee approved by Board, has recruited the Petitioner without complying with the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-

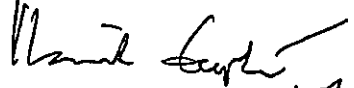
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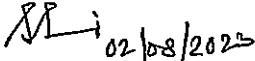
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14/2013 dated 09.02.2015. Therefore, the documents filed by the petitioner become redundant and do not have any legal value to establish that the petitioner was legally recruited by a validly constituted Managing Committee following the Rules of Recruitment.

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked as legally recruited Assistant Teacher in the said Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Anima Guria, Assistant Teacher, Bio-Science (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by it's order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

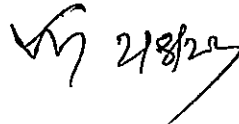
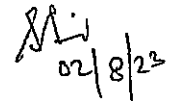
The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Bio-Science (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner had no requisite qualification and she obtained B.Ed. degree in the year 2022 and that goes to show that she had no B.Ed. degree at the time of his alleged recruitment. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such

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order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur.

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

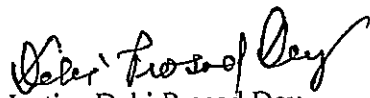
The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

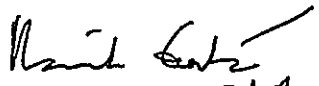
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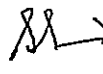
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)

 02/08/2023
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sabyasachi Ghanti, Assistant Teacher, Sociology (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by it's order dated 02.02.2023 in contempt petition No. 352/2022.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner and there was no recognition of the Madrasah concerned by the Board.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Sociology (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner has no requisite qualification and he passed B.Ed examination on 01.08.2016. He claims to have been working since 01.03.2016. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

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The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .



In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

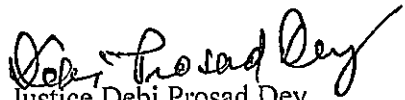
The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.


We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

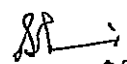
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

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Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 01/8/2025


2. Shri Manish Gupta 01/08/2025
(Member)


3. Shri Sripati Mukhopadhyay 02/8/2025
(Member)

OBSERVATION

Yeasminara Khatun, Assistant Teacher, Philosophy (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Philosophy (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Philosophy (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. ~~Rabbar~~ Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The

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documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the

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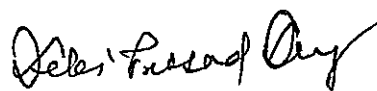
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concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

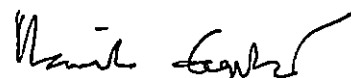
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



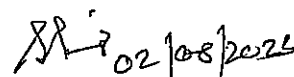
1. Justice Debi Prosad Dey
(Chairman)

02/08/2023



2. Shri Manish Gupta
(Member)

02/08/2023



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Mousumi Pahari, Assistant Teacher, History (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

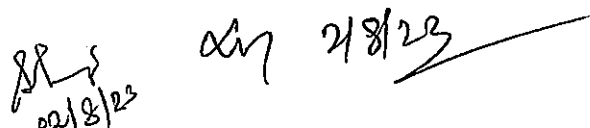
As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that she was appointed on 22.10.2015 as Assistant Teacher, History and she has been working since 02.11.2016. She had no B.Ed. degree on the date of her alleged joining in the service.

The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah


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2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

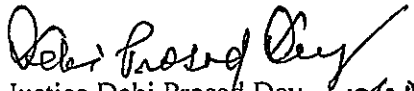
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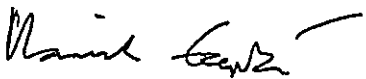
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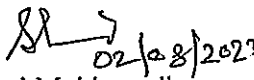
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There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

Akash Das, Assistant Teacher, Pure Science (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that she was recruited on 16.12.2019 as Assistant Teacher, Pure Science (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 19.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 40/19 dated 12.12.2019 was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc

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Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

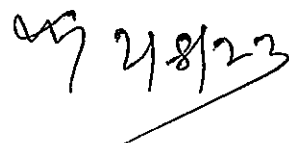
It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

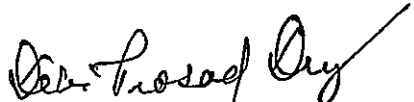


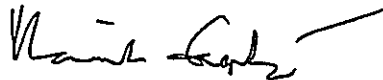
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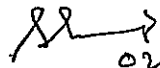
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 04/08/2023


2. Shri Manish Gupta 08/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

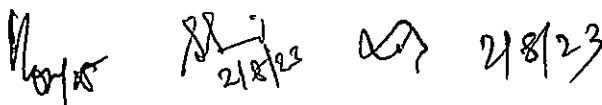
Piyali Das, Assistant Teacher, Nutrition (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that she was recruited on 16.12.2019 as Assistant Teacher, Nutrition (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 19.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of


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the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc

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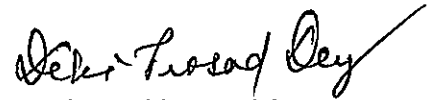
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Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

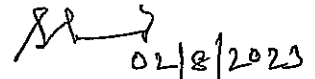
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey 21/8/2022
(Chairman)



2. Shri Manish Gupta 01/08/2023
(Member)



3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

OBSERVATION

Md. Abu Hassan, Assistant Teacher, Arabic (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Assistant Teacher, Arabic (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and ~~she~~ has been working there since 01.02.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner having requisite qualification claims to have been working since 01.02.2016. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 12/16 dated 10.01.2016 attested by Teacher-in-Charge also reveals ~~that~~ - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rehabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such ~~order~~ that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc

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Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.


The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

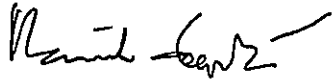
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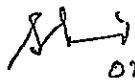
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 21/8/23


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Muntahuj Jaman Shah, Assistant Teacher, Bengali (Pass) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.


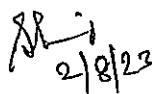
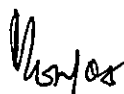
As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Assistant Teacher, Bengali (Pass) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.02.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner having no requisite qualification claims to have been working since 01.06.2018. The petitioner obtained 40.7% in his B.A. examination and obtained D.L.Ed. degree long after the date of his joining i.e. on 12.11.2018. Moreover, B.Ed. is the requisite qualification of an Assistant Teacher and D.L.Ed. degree is necessary for Primary & Upper-Primary Teachers. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The petitioner did not have D.L.Ed degree on the date of his joining and as such, the petitioner had no requisite qualification to be appointed as Assistant Teacher, Bengali (Pass).

The petitioner was given appointment in terms of Meeting No. 4/18 dated 27.05.2018 and it transpires from such Resolution itself that the Rules of Recruitment as per Govt. Notification No.

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486-MD/O/2M-11/2016 dated 03.03.2016 have never complied with by the Ad-hoc. Managing Committee.

The Resolution being sl.No. 4/18 dated 27.05.2018 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

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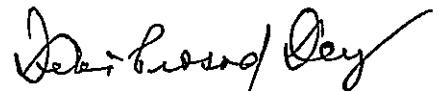
The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

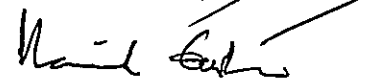
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

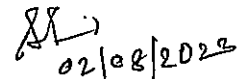
In the premises set forth above, we find no legality in the Work Done Certificate or in the attested copies of the Attendance Registers and thus the same may be ignored.



1. Justice Debi Prosad Dey
(Chairman) 02/08/2022



2. Shri Manish Gupta 02/08/2022
(Member)



02/08/2022

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Mujahid Ali Shah, Assistant Teacher, History (Pass) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, History (Pass) of Gimageria Welfare High Madrasah, Purba Medinipur and ~~she~~ ^{he} has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner having no requisite qualification claims to have been working since 01.06.2018. Moreover, B.Ed. is the requisite qualification of an Assistant Teacher and D.L.Ed. degree is necessary for Primary & Upper-Primary Teachers. The Letter of Appointment also reveals that ~~the~~ Resolution was adopted by the Ad-hoc Managing Committee.

The petitioner did not have D.L.Ed degree on the date of his joining and as such, the petitioner ~~had no~~ requisite qualification to be appointed as Assistant Teacher, History (Pass).

The petitioner was given appointment in terms of Meeting No. 4/18 dated 27.05.2018 and it ~~transpires~~ from such Resolution itself that the Rules of Recruitment as per Govt. Notification No. ~~166-N.D.O 2M-11~~ 2016 dated 03.03.2016 have never complied with by the Ad-hoc. Managing ~~Committee.~~

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The Resolution being Sl. No. 4/18 dated 27.05.2018 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being W.P. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated

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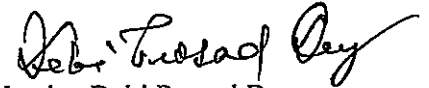
03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

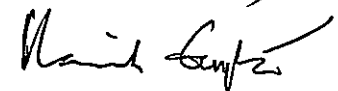
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

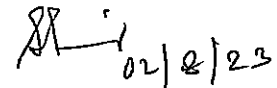
In the premises set forth above, we find no legality in the Work Done Certificate or in the attested copies of the Attendance Registers and thus the same may be ignored.



1. Justice Debi Prosad Dey
(Chairman) 02/08/2017



2. Shri Manish Gupta
(Member) 02/08/2017



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Asfaque Hossain, Assistant Teacher, English (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 22.06.2018 as Assistant Teacher, English (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.07.2018. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

The petitioner having no requisite qualification claims to have been working since 01.07.2018. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 06/18 dated 20.06.2018 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such

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order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

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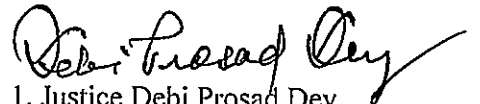
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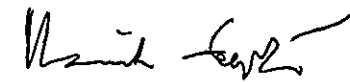
Mohammad Jafar

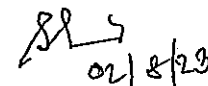
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/8/23

OBSERVATIONS

Sk. Saifuddin, Group – D : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by it's order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Group - D of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.07.2018. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

Sk. Saifuddin 02/8/23 29/8/23

The Resolution being sl.No. 12/16 dated 10.01.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

Ali
02/8/23

02/08/23

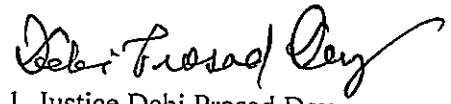
02/08/23

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

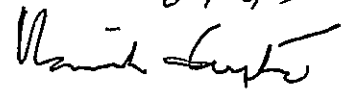
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

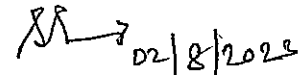
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey
(Chairman) 02/08/2022



2. Shri Manish Gupta 02/08/2022
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

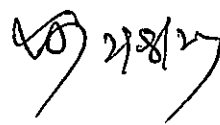
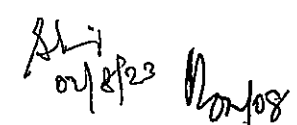
Sk. Islam Uddin, Group – D : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Group - D of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.07.2018. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

 27/8/23
 Ali 07/8/23 Nanyoz

The Resolution being Sl. No. 13/16 dated 17.01.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

SL
02/8/23

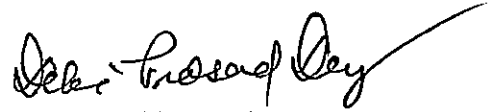
W 2/8/23
W/10/23

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

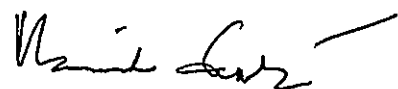
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

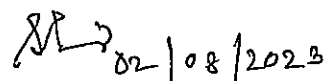
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey
(Chairman) 02/08/2023



2. Shri Manish Gupta
(Member) 02/08/2023



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Mojahedul Islam, Group – C (Clerk) : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 16.12.2019 as Group – C (Clerk) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 23.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

W
10/18

SL
2/1/23

WJ
29/8/23

The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
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The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated

21/8/22

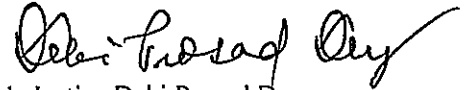
21/8/2023

03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

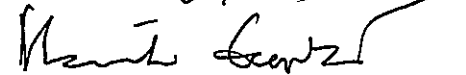
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



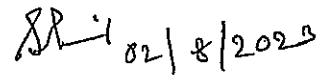
1. Justice Debi Prosad Dey
(Chairman)

02/08/2023



2. Shri Manish Gupta
(Member)

02/08/2023



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS


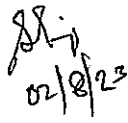
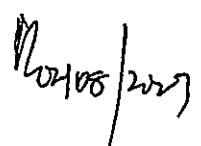
Mahiul Islam, Group – C (Clerk) : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

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 2/8/2023  02/8/23  11/08/2023

The Resolution being sl.No. 13/16 dated 17.01.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

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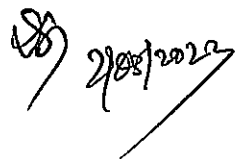
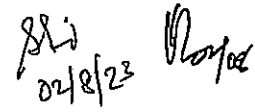
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It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur.

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The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated

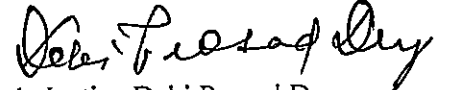
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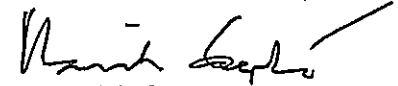
09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

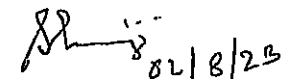
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 02/08/23


2. Shri Manish Gupta
(Member) 02/08/23


3. Shri Sripati Mukhopadhyay
(Member) 02/08/23

OBSERVATIONS

Abdul Rakib Ali Shah, Group – D : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 16.12.2019 as Group – D of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 23.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

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The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated

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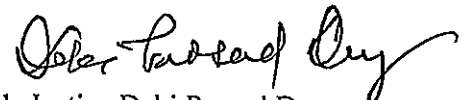
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03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

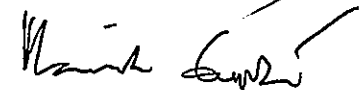
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

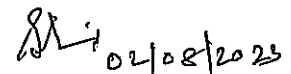
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey
(Chairman) 02/08/2023



2. Shri Manish Gupta
(Member) 02/08/2023



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Sk. Imdadul Tulla, Group – D (Lab Attendant) : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by it's order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 16.12.2019 as Group – D (Lab Attendant) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 23.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

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The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
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The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated

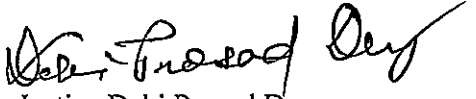
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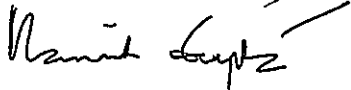
03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

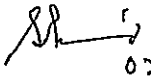
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Naren Chandra Modak :- The petitioner, Naren Chandra Modak did not turn up for verification of his document, despite having such order from the Hon'ble Supreme Court. The photostat copy of the appointment letter reveals that Naren Chandra Modak is claiming to be appointed as Asstt. Teacher in Bengal at Kalmati High Madrasah, Coochbehar on 13/09/2015 and he reported his duty before the Headmaster of Kalmati High Madrasah on 14/09/2015. The date of birth of Naren Chandra Modak as it appears from his Admit Card is on 26/04/1972.

Admittedly, Naren Chandra Modak was aged about 43 years (plus) on the date of his alleged appointment. Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, admitted that there are two attendance registers for approved teachers and another for non-approved teachers. Curiously enough, the appointment letters were issued by Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, Coochbehar ignoring the Secretary of the Managing Committee and all other members of the Managing Committee. He also admitted that a separate Resolution Book has been prepared for purpose of giving appointment in the year 2015 and 2018. The original Resolution Book of 2015 maintained by the Managing Committee, did not reveal anything about alleged appointment of Naren Chandra Modak. Moreover, Naren Chandra Modak would not have been appointed as an employee being over aged on the date of his alleged appointment. The Headmaster, Bilal Hossain Mallik played a pivotal role in manufacturing the document and falsely projecting the said Naren Chandra Modak as legally recruited employee. No appointment letter of 2018 has been produced by the petitioner.

In terms of the report of Samar Chandra Mondal, the D.I. of Schools, Coochbehar, the applicants including Naren Chandra Modak were never recruited following **G.O. No. 93-SE/S/10R-14/2013 dated 09/02/2015** and **486-MD/O/2M-11/2016 dated 03/03/2016**. The D.I. of Schools, Coochbehar further stated that the Madrasah authority cannot appoint any teaching or non-teaching staff without previous sanction of the state as contemplated in Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Admittedly, no such sanction was taken by the Madrasah for appointment of Naren Chandra Modak. Unfortunately, despite rejection of the claim by the D.I. of School, the petitioner, Naren Chandra Modak has again filed his application for verification. Ultimately, he did not appear before the Committee.

Three full time permanent teachers of Kalmati High Madrasah appeared before the Committee, namely, Md. Hatim Ali, Asstt. Teacher (Arabic), Dewan Sabibul Alam, Asstt. Teacher (Beng), Safiur Rahman Sarkar, Asstt. Teacher (Social Science group), have stated in clear terms that they never saw Naren Chandra Modak to work in the Madrasah and he was never recruited following the Rules of Recruitment.

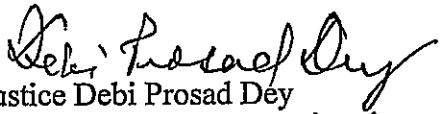
Bilal Hossain Mallik, the Headmaster, had manufactured one separate Resolution Book, which only contains the alleged appointment of the year 2015 and 2018 only. The Headmaster intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018.


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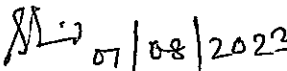
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A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

In fine, we are of considered opinion that Naren Chandra Modak was never recruited following the Rules of recruitment and he never worked in Kalmati High Madrasah as Asstt. Teacher.


1) Justice Debi Prosad Dey
(Chairman) 07/08/2023


2) Shri Manish Gupta 07/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sahajamal Khandakar:- The photostat copy of the appointment letter reveals that **Sahajamal Khandakar** was appointed as Asstt. Teacher at Kalmati High Madrasah, Coochbehar on 20/12/2018 and he reported his duty before the Headmaster of Kalmati High Madrasah on 22/12/2018.

Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, admitted that there are two attendance registers for approved teachers and another for non-approved teachers. Curiously enough, the appointment letters were issued by Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, Coochbehar ignoring the Secretary of the Managing Committee and all other members of the Managing Committee. He also admitted that a separate Resolution Book has been prepared for purpose of giving appointment in the year 2015 and 2018. The original Resolution Book of 2015 maintained by the Managing Committee, did not reveal anything about alleged appointment of Sahajamal Khandakar. The Headmaster, Bilal Hossain Mallik played a pivotal role in manufacturing the document and falsely projecting the said Sahajamal Khandakar as legally recruited employee. No appointment letter of 2018 has been produced by the petitioner.

Samar Chandra Mondal, the D.I. of Schools, Coochbehar, the applicants including Sahajamal Khandakar were never recruited following **G.O. No. 93-SE/S/10R-14/2013 dated 09/02/2015 and 486-MD/O/2M-11/2016 dated 03/03/2016**. The D.I. of Schools, Coochbehar further stated that the Madrasah authority cannot appoint any teaching or non-teaching staff without previous sanction of the state as contemplated in Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Admittedly, no such sanction was taken by the Madrasah for appointment of Sahajamal Khandakar. Unfortunately, despite rejection of the claim by the D.I. of School, the petitioner, Sahajamal Khandakar has again filed his application for verification. Ultimately, he did not appear before the Committee.

Three full time permanent teachers of Kalmati High Madrasah appeared before the Committee, namely, Md. Hatim Ali, Asstt. Teacher (Arabic), Dewan Sabibul Alam, Asstt. Teacher (Beng), Safiur Rahman Sarkar, Asstt. Teacher (Social Science group), have stated in clear terms that they never saw Sahajamal Khandakar to work in the Madrasah and he was never recruited following the Rules of Recruitment.

Bilal Hossain Mallik, the Headmaster, had manufactured one separate Resolution Book, which only contains the alleged appointment of the year 2015 and 2018 only. The Headmaster intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018.

A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North

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Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

In fine, we are of considered opinion that Sahajamal Khandakar was never recruited following the Rules of recruitment and he never worked in Kalmati High Madrasah as Asstt. Teacher.

- 1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 2) Shri Manish Gupta
(Member) 01/08/2023
- 3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Sukhamay Sarkar :- The photostat copy of the appointment letter reveals that Sukhamay Sarkar was appointed as Asstt. Teacher at Kalmati High Madrasah, Coochbehar on 20/12/2018 and he reported his duty before the Headmaster of Kalmati High Madrasah on 22/12/2018.

Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, admitted that there are two attendance registers for approved teachers and another for non-approved teachers. Curiously enough, the appointment letters were issued by Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, Coochbehar ignoring the Secretary of the Managing Committee and all other members of the Managing Committee. He also admitted that a separate Resolution Book has been prepared for ^{the} purpose of giving appointment in the year 2015 and 2018. The original Resolution Book of 2015 maintained by the Managing Committee, did not reveal anything about alleged appointment of Sukhamay Sarkar. The Headmaster, Bilal Hossain Mallik played a pivotal role in manufacturing the document and falsely projecting the said Sukhamay Sarkar as legally recruited employee. No appointment letter of 2018 has been produced by the petitioner.

In terms of the report of Samar Chandra Mondal, the D.I. of Schools, Coochbehar, the applicants including Sukhamay Sarkar were never recruited following **G.O. No. 93-SE/S/10R-14/2013 dated 09/02/2015** and **486-MD/O/2M-11/2016 dated 03/03/2016**. The D.I. of Schools, Coochbehar further stated that the Madrasah authority cannot appoint any teaching or non-teaching staff without previous sanction of the state as contemplated in Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Admittedly, no such sanction was taken by the Madrasah for appointment of Sukhamay Sarkar. Unfortunately, despite rejection of the claim by the D.I. of School, the petitioner, Sukhamay Sarkar has again filed his application for verification.

Three full time permanent teachers of Kalmati High Madrasah appeared before the Committee, namely, Md. Hatim Ali, Asstt. Teacher (Arabic), Dewan Sabibul Alam, Asstt. Teacher (Beng), Safiur Rahman Sarkar, Asstt. Teacher (Social Science group), have stated in clear terms that they never saw Sukhamay Sarkar to work in the Madrasah and he was never recruited following the Rules of Recruitment.

Bilal Hossain Mallik, the Headmaster, had manufactured one separate Resolution Book, which only contains the alleged appointment of the year 2015 and 2018 only. The Headmaster intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018.

A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of

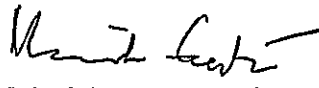
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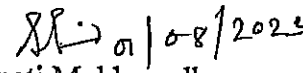
20/12/2018

Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

In fine, we are of considered opinion that Sukhamay Sarkar was never recruited following the Rules of recruitment and he never worked in Kalmati High Madrasah as Asstt. Teacher.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Asrafi Khanam :- The photostat copy of the appointment letter reveals that Asrafi Khanam was appointed as Asstt. Teacher at Kalmati High Madrasah, Coochbehar on 18/09/2018 and she reported her duty before the Headmaster of Kalmati High Madrasah on 19/09/2018.

Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, admitted that there are two attendance registers for approved teachers and another for non-approved teachers. Curiously enough, the appointment letters were issued by Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, Coochbehar ignoring the Secretary of the Managing Committee and all other members of the Managing Committee. He also admitted that a separate Resolution Book has been prepared for purpose of giving appointment in the year 2015 and 2018. The original Resolution Book of 2015 maintained by the Managing Committee, did not reveal anything about alleged appointment of Asrafi Khanam. The Headmaster, Bilal Hossain Mallik played a pivotal role in manufacturing the document and falsely projecting the said Asrafi Khanam as legally recruited employee. No appointment letter of 2018 has been produced by the petitioner.

In terms of the report of Samar Chandra Mondal, the D.I. of Schools, Coochbehar, the applicants including Asrafi Khanam were never recruited following **G.O. No. 93-SE/S/10R-14/2013 dated 09/02/2015 and 486-MD/O/2M-11/2016 dated 03/03/2016**. The D.I. of Schools, Coochbehar further stated that the Madrasah authority cannot appoint any teaching or non-teaching staff without previous sanction of the state as contemplated in Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Admittedly, no such sanction was taken by the Madrasah for appointment of Asrafi Khanam. Unfortunately, despite rejection of the claim by the D.I. of School, the petitioner, Asrafi Khanam has again filed her application for verification.

Three full time permanent teachers of Kalmati High Madrasah appeared before the Committee, namely, Md. Hatim Ali, Asstt. Teacher (Arabic), Dewan Sabibul Alam, Asstt. Teacher (Beng), Safiur Rahman Sarkar, Asstt. Teacher (Social Science group), have stated in clear terms that they never saw Asrafi Khanam to work in the Madrasah and she was never recruited following the Rules of Recruitment.

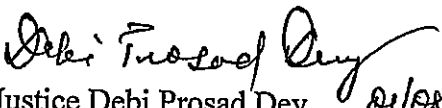
Bilal Hossain Mallik, the Headmaster, had manufactured one separate Resolution Book, which only contains the alleged appointment of the year 2015 and 2018 only. The Headmaster intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018.

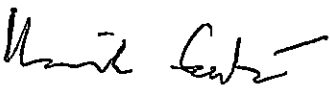
A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of

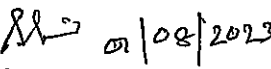
[Handwritten signatures]

Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

In fine, we are of considered opinion that Asrafi Khanam was never recruited following the Rules of recruitment and she never worked in Kalmati High Madrasah as Asstt. Teacher.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Mehmud Sarkar:- The photostat copy of the appointment letter reveals that Mehmud Sarkar was appointed as Asstt. Teacher at Kalmati High Madrasah, Coochbehar on 18/09/2018 and he reported his duty before the Headmaster of Kalmati High Madrasah on 19/09/2018.

Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, admitted that there are two attendance registers for approved teachers and another for non-approved teachers. Curiously enough, the appointment letters were issued by Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, Coochbehar ignoring the Secretary of the Managing Committee and all other members of the Managing Committee. He also admitted that a separate Resolution Book has been prepared for purpose of giving appointment in the year 2015 and 2018. The original Resolution Book of 2015 maintained by the Managing Committee, did not reveal anything about alleged appointment of Mehmud Sarkar. The Headmaster, Bilal Hossain Mallik played a pivotal role in manufacturing the document and falsely projecting the said Mehmud Sarkar as legally recruited employee. No appointment letter of 2018 has been produced by the petitioner.

In terms of the report of Samar Chandra Mondal, the D.I. of Schools, Coochbehar, the applicants including Mehmud Sarkar were never recruited following **G.O. No. 93-SE/S/10R-14/2013 dated 09/02/2015 and 486-MD/O/2M-11/2016 dated 03/03/2016**. The D.I. of Schools, Coochbehar further stated that the Madrasah authority cannot appoint any teaching or non-teaching staff without previous sanction of the state as contemplated in Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Admittedly, no such sanction was taken by the Madrasah for appointment of Mehmud Sarkar. Unfortunately, despite rejection of the claim by the D.I. of School, the petitioner, Mehmud Sarkar has again filed his application for verification.

Three full time permanent teachers of Kalmati High Madrasah appeared before the Committee, namely, Md. Hatim Ali, Asstt. Teacher (Arabic), Dewan Sabibul Alam, Asstt. Teacher (Beng), Saffur Rahman Sarkar, Asstt. Teacher (Social Science group), have stated in clear terms that they never saw Mehmud Sarkar to work in the Madrasah and he was never recruited following the Rules of Recruitment.

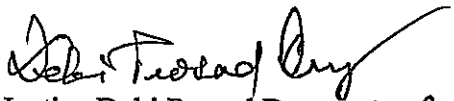
Bilal Hossain Mallik, the Headmaster, had manufactured one separate Resolution Book, which only contains the alleged appointment of the year 2015 and 2018 only. The Headmaster intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018.

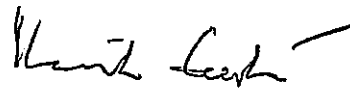
A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of

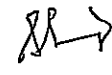
1/01/05/2027 RR →

Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

In fine, we are of considered opinion that Mehmud Sarkar was never recruited following the Rules of recruitment and he never worked in Kalmati High Madrasah as Asstt. Teacher.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 07/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Subha Sarkar:- The photostat copy of the appointment letter reveals that Subha Sarkar was appointed as Asstt. Teacher at Kalmati High Madrasah, Coochbehar on 18/09/2018 and he reported his duty before the Headmaster of Kalmati High Madrasah on 19/09/2018.

Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, admitted that there are two attendance registers for approved teachers and another for non-approved teachers. Curiously enough, the appointment letters were issued by Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, Coochbehar ignoring the Secretary of the Managing Committee and all other members of the Managing Committee. He also admitted that a separate Resolution Book has been prepared for purpose of giving appointment in the year 2015 and 2018. The original Resolution Book of 2015 maintained by the Managing Committee, did not reveal anything about alleged appointment of Subha Sarkar. The Headmaster, Bilal Hossain Mallik played a pivotal role in manufacturing the document and falsely projecting the said Subha Sarkar as legally recruited employee. No appointment letter of 2018 has been produced by the petitioner.

In terms of the report of Samar Chandra Mondal, the D.I. of Schools, Coochbehar, the applicants including Subha Sarkar were never recruited following **G.O. No. 93-SE/S/10R-14/2013 dated 09/02/2015 and 486-MD/O/2M-11/2016 dated 03/03/2016**. The D.I. of Schools, Coochbehar further stated that the Madrasah authority cannot appoint any teaching or non-teaching staff without previous sanction of the state as contemplated in Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Admittedly, no such sanction was taken by the Madrasah for appointment of Subha Sarkar. Unfortunately, despite rejection of the claim by the D.I. of School, the petitioner, Subha Sarkar has again filed his application for verification.

Three full time permanent teachers of Kalmati High Madrasah appeared before the Committee, namely, Md. Hatim Ali, Asstt. Teacher (Arabic), Dewan Sabibul Alam, Asstt. Teacher (Beng), Safiur Rahman Sarkar, Asstt. Teacher (Social Science group), have stated in clear terms that they never saw Subha Sarkar to work in the Madrasah and he was never recruited following the Rules of Recruitment.

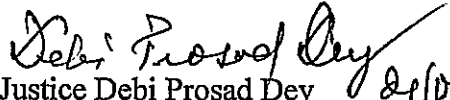
Bilal Hossain Mallik, the Headmaster, had manufactured one separate Resolution Book, which only contains the alleged appointment of the year 2015 and 2018 only. The Headmaster intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018.

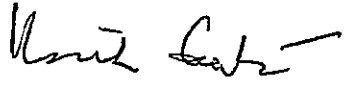
A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the

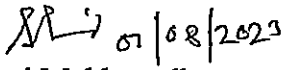
Wojestwars Ali

petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

In fine, we are of considered opinion that Subha Sarkar was never recruited following the Rules of recruitment and he never worked in Kalmati High Madrasah as Asstt. Teacher.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Ekramul Alam:- The photostat copy of the appointment letter reveals that Ekramul Alam was appointed as Asstt. Teacher at Kalmati High Madrasah, Coochbehar on 18/09/2018 and he reported his duty before the Headmaster of Kalmati High Madrasah on 19/09/2018.

Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, admitted that there are two attendance registers for approved teachers and another for non-approved teachers. Curiously enough, the appointment letters were issued by Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, Coochbehar ignoring the Secretary of the Managing Committee and all other members of the Managing Committee. He also admitted that a separate Resolution Book has been prepared for purpose of giving appointment in the year 2015 and 2018. The original Resolution Book of 2015 maintained by the Managing Committee, did not reveal anything about alleged appointment of Ekramul Alam. The Headmaster, Bilal Hossain Mallik played a pivotal role in manufacturing the document and falsely projecting the said Ekramul Alam as legally recruited employee. No appointment letter of 2018 has been produced by the petitioner.

In terms of the report of Samar Chandra Mondal, the D.I. of Schools, Coochbehar, the applicants including Ekramul Alam were never recruited following **G.O. No. 93-SE/S/10R-14/2013 dated 09/02/2015 and 486-MD/O/2M-11/2016 dated 03/03/2016**. The D.I. of Schools, Coochbehar further stated that the Madrasah authority cannot appoint any teaching or non-teaching staff without previous sanction of the state as contemplated in Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Admittedly, no such sanction was taken by the Madrasah for appointment of Ekramul Alam. Unfortunately, despite rejection of the claim by the D.I. of School, the petitioner, Ekramul Alam has again filed his application for verification.

Three full time permanent teachers of Kalmati High Madrasah appeared before the Committee, namely, Md. Hatim Ali, Asstt. Teacher (Arabic), Dewan Sabibul Alam, Asstt. Teacher (Beng), Safiur Rahman Sarkar, Asstt. Teacher (Social Science group), have stated in clear terms that they never saw Ekramul Alam to work in the Madrasah and he was never recruited following the Rules of Recruitment.

Bilal Hossain Mallik, the Headmaster, had manufactured one separate Resolution Book, which only contains the alleged appointment of the year 2015 and 2018 only. The Headmaster intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018.

A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of

15/08/2020 SLV

Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

In fine, we are of considered opinion that Ekramul Alam was never recruited following the Rules of recruitment and he never worked in Kalmati High Madrasah as Asstt. Teacher.

Debi Prosad Dey
1) Justice Debi Prosad Dey *01/08/2023*
(Chairman)

Manish Gupta
2) Shri Manish Gupta *07/08/2023*
(Member)

SRi *07/08/2023*
3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Jahurul Hoque Mondal: - The photostat copy of the appointment letter reveals that Jahurul Hoque Mondal was appointed as Asstt. Teacher at Kalmati High Madrasah, Coochbehar on 18/09/2018 and he reported his duty before the Headmaster of Kalmati High Madrasah on 19/09/2018.

Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, admitted that there are two attendance registers for approved teachers and another for non-approved teachers. Curiously enough, the appointment letters were issued by Bilal Hossain Mallik, the Headmaster of Kalmati High Madrasah, Coochbehar ignoring the Secretary of the Managing Committee and all other members of the Managing Committee. He also admitted that a separate Resolution Book has been prepared for purpose of giving appointment in the year 2015 and 2018. The original Resolution Book of 2015 maintained by the Managing Committee, did not reveal anything about alleged appointment of Jahurul Hoque Mondal. The Headmaster, Bilal Hossain Mallik played a pivotal role in manufacturing the document and falsely projecting the said Jahurul Hoque Mondal as legally recruited employee. No appointment letter of 2018 has been produced by the petitioner.

In terms of the report of Samar Chandra Mondal, the D.I. of Schools, Coochbehar, the applicants including Jahurul Hoque Mondal were never recruited following **G.O. No. 93-SE/S/10R-14/2013** dated 09/02/2015 and **486-MD/O/2M-11/2016** dated 03/03/2016. The D.I. of Schools, Coochbehar further stated that the Madrasah authority cannot appoint any teaching or non-teaching staff without previous sanction of the state as contemplated in Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Admittedly, no such sanction was taken by the Madrasah for appointment of Jahurul Hoque Mondal. Unfortunately, despite rejection of the claim by the D.I. of School, the petitioner, Jahurul Hoque Mondal has again filed his application for verification.

Three full time permanent teachers of Kalmati High Madrasah appeared before the Committee, namely, Md. Hatim Ali, Asstt. Teacher (Arabic), Dewan Sabibul Alam, Asstt. Teacher (Beng), Safiur Rahman Sarkar, Asstt. Teacher (Social Science group), have stated in clear terms that they never saw Jahurul Hoque Mondal to work in the Madrasah and he was never recruited following the Rules of Recruitment.

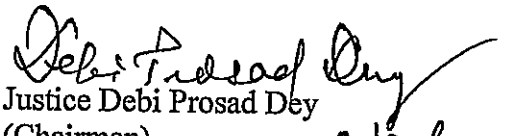
Bilal Hossain Mallik, the Headmaster, had manufactured one separate Resolution Book, which only contains the alleged appointment of the year 2015 and 2018 only. The Headmaster intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018.

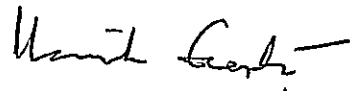
A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of

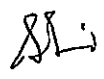
Sbi
M/s/08/11/22

Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

In fine, we are of considered opinion that Jahurul Hoque Mondal was never recruited following the Rules of recruitment and he never worked in Kalmati High Madrasah as Asstt. Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Firdous Rahaman, Librarian :

The petitioner is claiming that he was recruited on 18.09.2018 and he has been working in the Madrasah as Librarian since 19.09.2018. Being aware of the vacancy from one advertisement published in "UTTAR BANGA SANGBAD", the petitioner appeared in written examination and thereafter he was recruited as Librarian by the Madrasah. The petitioner has filed one Work Done Certificate issued by Headmaster, Bilal Hossain Mallick.

Bilal Hossain Mallik on the other hand has categorically stated that he had not fully complied with the recruitment rules in matters of appointment of the petitioner. Admittedly, there are two sets of Resolution Books of the Managing Committee. The original Resolution Books of the Managing Committee for the year 2015, 2016 and 2017 do not reflect any recruitment of Teachers or non-Teaching staff in the Madrasah.

A separate Resolution Book has been prepared by the Headmaster, Bilal Hossain Mallick. He has also recruited his nephew as Night Guard without having any sanctioned post in the Madrasah.

The separate Resolution Book appears to have been manufactured by the Headmaster. As per recruitment rule, the vacancy has to be published in two state level dailies, out of which one must be a Bengali newspaper. Admittedly, the vacancy was not published in any English newspaper having wide circulation through the state. No document has been produced to show that the recruitment rules were fully complied with in matters of alleged appointment of the petitioner

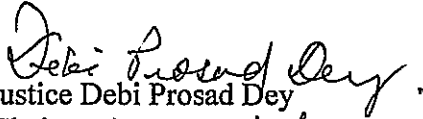
The Headmaster himself has admitted that the rules of recruitment as per Govt. Notification were not complied with.

Samar Chandra Mondal, D.I. of Schools has also stated by filing a specific report in respect of the petitioner that the petitioner was never recruited following the rules of recruitment and the claim of the petitioner as non-Teaching staff of the Madrasah is absolutely fake and fabricated.

On comparison of the Resolution Books for the year 2015, we find that the separate Resolution Book prepared by the Headmaster has bestowed all the powers of recruitment, issuance of appointment letter and reporting authority upon the Headmaster, whereas as per rules, the Secretary is authorized to issue appointment letter and the Secretary except the case of Headmaster, is also the reporting authority. The Headmaster intentionally did not produce the Resolution Book of the Managing Committee of 2018 in order to suppress the actual state of affairs. However, having regard to the report of the D.I. of Schools, materials on record, the statement of the Headmaster and the petitioner, we are of considered opinion that the separate Resolution Book for the year 2015 has been prepared/manufactured by the Headmaster and the Headmaster ^{has} intentionally suppressed the original Resolution Book of the Managing Committee for the year 2018. In absence of the original Resolution Book for the year 2018, we cannot say that the petitioner was recruited following the rules of recruitment.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the rules of recruitment as per Govt. Notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.

In view of the circumstances stated hereinabove, we reject the Work Done Certificate issued by the Headmaster, Bilal Hossain Mallick, who appears to be the kingpin of illegal recruitment in the Madrasah ignoring the rules of recruitment.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

2. Shri Manish Gupta
(Member)

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Baharul Sarkar. Group 'C':- The petitioner, Baharul Sarkar suddenly appeared as 'Interested Person' on 04/05/2023 and prayed for consideration of his case in terms of the Hon'ble Supreme Court order dated 02/02/2023 vide Contempt Petition No. 352/2022. Except the photostat copy of the appointment letter issued by the Headmaster of Kalmati High Madrasah, Mr. Bilal Hossain Mallik, dated 23/12/2015 and the joining report signed by the Headmaster on 19/09/2018, the petitioner Baharul Sarkar could not produce any other document to justify that he was recruited following the Rules of Recruitment on 19/09/2018. Bilal Hossain Mallik, the Headmaster of the Kalmati High Madrasah has issued work done certificate in favour of the petitioner.

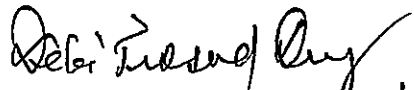
It is apparent from the original Resolution Book produced by the Headmaster of Kalmati High Madrasah that there is no whisper about the recruitment of the petitioner following the Rules of Recruitment. However, a separate Resolution Book has been manufactured presumably by the Headmaster of the said Madrasah showing the recruitment of the petitioner in the year 2015. No permission was obtained from the Government prior to the recruitment of the petitioner in terms of Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Curiously enough, the appointment was given by the Headmaster and the petitioner has reported before the Headmaster ignoring the Provision of West Bengal Rules for Management of Recognized Non-Government Madrasahs (Aided and unaided), 2002, wherein the Secretary is only authorized to issue the letter of appointment on behalf of the Managing Committee and the petitioner should report before the Secretary at the time of his joining.


Three regular full time teachers of Kalmati High Madrasah, namely, Safiur Rahman Sarkar, Dewan Sabibul Alam and Md. Hatim Ali, have emphatically stated that the petitioner never attended the Madrasah and he never worked there. Mustafizur Rahman, the Secretary of the Managing Committee of Kalmati High Madrasah also stated that Bilal Hossain Mallik was trying to push some persons as employees of the Madrasah but, they resisted such illegal action of Bilal Hossain Mallik.


A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of Schools, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.

Shri
05/10/2023

We are of considered opinion that Baharul Sarkar was never recruited following the Rules of Recruitment and he never worked in the Kalamati High Madrasah, Coochbehar.


1) Justice Debi Prosad Dey 01/08/2017
(Chairman)


2) Shri Manish Gupta 01/08/2022
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

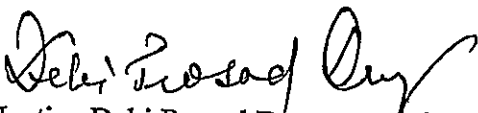
Md. Bin Kalam, Group 'C':- The petitioner, Md. Bin Kalam suddenly appeared as 'Interested Person' on 04/05/2023 and prayed for consideration of his case in terms of the Hon'ble Supreme Court order dated 02/02/2023 vide Contempt Petition No. 352/2022. Except the photostat copy of the appointment letter issued by the Headmaster of Kalmati High Madrasah, Mr. Bilal Hossain Mallik, dated 18/09/2018 and the joining report signed by the Headmaster on 19/09/2018, the petitioner Md. Bin Kalam could not produce any other document to justify that he was recruited following the Rules of Recruitment on 19/09/2018. Bilal Hossain Mallik, the Headmaster of the Kalmati High Madrasah has issued work done certificate in favour of the petitioner.


It is apparent from the original Resolution Book produced by the Headmaster of Kalmati High Madrasah that there is no whisper about the recruitment of the petitioner following the Rules of Recruitment. However, a separate Resolution Book has been manufactured presumably by the Headmaster of the said Madrasah showing the recruitment of the petitioner in the year 2015. No permission was obtained from the Government prior to the recruitment of the petitioner in terms of Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Curiously enough, the appointment was given by the Headmaster and the petitioner has reported before the Headmaster ignoring the Provision of West Bengal Rules for Management of Recognized Non-Government Madrasahs (Aided and unaided), 2002, wherein the Secretary is only authorized to issue the letter of appointment on behalf of the Managing Committee and the petitioner should report before the Secretary at the time of his joining. Three regular full time teachers of Kalmati High Madrasah, namely, Safiur Rahman Sarkar, Dewan Sabibul Alam and Md. Hatim Ali, have emphatically stated that the petitioner never attended the Madrasah and he never worked there. Mustafizur Rahman, the Secretary of the Managing Committee of Kalmati High Madrasah also stated that Bilal Hossain Mallik was trying to push some persons as employees of the Madrasah but, they resisted such illegal action of Bilal Hossain Mallik.

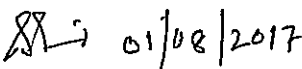
A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of School, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R—14/2013 dated 09/02/2015.

SLI
01/8/2017 *W. S. P. M.*

We are of considered opinion that Md. Bin Kalam was never recruited following the Rules of Recruitment and he never worked in the Kalamati High Madrasah, Coochbehar as Gr. 'C' employee.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2022


2) Shri Manish Gupta 01/08/2022
(Member)


3) Shri Sripati Mukhopadhyay
(Member) 01/08/2017

OBSERVATION

Jashimuddin Miah, Group 'D':- The petitioner, Jashimuddin Miah suddenly appeared as 'Interested Person' on 04/05/2023 and prayed for consideration of his case in terms of the Hon'ble Supreme Court order dated 02/02/2023 vide Contempt Petition No. 352/2022. Except the photostat copy of the appointment letter issued by the Headmaster of Kalmati High Madrasah, Mr. Bilal Hossain Mallik, dated 18/09/2018 and the joining report signed by the Headmaster on 19/09/2018, the petitioner, Jashimuddin Miah could not produce any other document to justify that he was recruited following the Rules of Recruitment on 19/09/2018. Bilal Hossain Mallik, the Headmaster of the Kalmati High Madrasah has issued work done certificate in favour of the petitioner.

It is apparent from the original Resolution Book produced by the Headmaster of Kalmati High Madrasah that there is no whisper about the recruitment of the petitioner following the Rules of Recruitment. However, a separate Resolution Book has been manufactured presumably by the Headmaster of the said Madrasah showing the recruitment of the petitioner in the year 2015. No permission was obtained from the Government prior to the recruitment of the petitioner in terms of Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Curiously enough, the appointment was given by the Headmaster and the petitioner has reported before the Headmaster ignoring the Provision of West Bengal Rules for Management of Recognized Non-Government Madrasahs (Aided and unaided), 2002, wherein the Secretary is only authorized to issue the letter of appointment on behalf of the Managing Committee and the petitioner should report before the Secretary at the time of his joining.

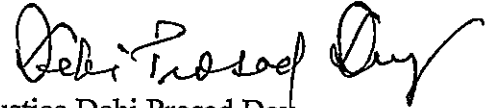
Three regular full time teachers of Kalmati High Madrasah, namely, Safiur Rahman Sarkar, Dewan Sabibul Alam and Md. Hatim Ali have emphatically stated that the petitioner never attended the Madrasah and he never worked there. Mustafizur Rahman, the Secretary of the Managing Committee of Kalmati High Madrasah also stated that Bilal Hossain Mallik was trying to push some persons as employees of the Madrasah but, they resisted such illegal action of Bilal Hossain Mallik.

A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of School, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R—14/2013 dated 09/02/2015.

SR
07/08/2023

05/09/2023

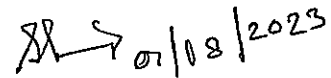
We are of considered opinion that Jashimuddin Miah was never recruited following the Rules of Recruitment and he never worked in the Kalamati High Madrasah, Coochbehar as Gr. 'D' employee.



1) Justice Debi Prosad Dey
(Chairman) 01/08/2023



2) Shri Manish Gupta 01/08/2023
(Member)



3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Suriya Akter Banu, Group 'D':- The petitioner, Suriya Akter Banu suddenly appeared as 'Interested Person' on 04/05/2023 and prayed for consideration of her case in terms of the Hon'ble Supreme Court order dated 02/02/2023 vide Contempt Petition No. 352/2022. Except the photostat copy of the appointment letter issued by the Headmaster of Kalmati High Madrasah, Mr. Bilal Hossain Mallik, dated 20/12/2018 and the joining report signed by the Headmaster on 22/12/2018, the petitioner, Suriya Akter Banu could not produce any other document to justify that he was recruited following the Rules of Recruitment on 19/09/2018. Bilal Hossain Mallik, the Headmaster of the Kalmati High Madrasah has issued work done certificate in favour of the petitioner.

It is apparent from the original Resolution Book produced by the Headmaster of Kalmati High Madrasah that there is no whisper about the recruitment of the petitioner following the Rules of Recruitment. However, a separate Resolution Book has been manufactured presumably by the Headmaster of the said Madrasah showing the recruitment of the petitioner in the year 2015. No permission was obtained from the Government prior to the recruitment of the petitioner in terms of Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Curiously enough, the appointment was given by the Headmaster and the petitioner has reported before the Headmaster ignoring the Provision of West Bengal Rules for Management of Recognized Non-Government Madrasahs (Aided and unaided), 2002, wherein the Secretary is only authorized to issue the letter of appointment on behalf of the Managing Committee and the petitioner should report before the Secretary at the time of his joining. Three regular full time teachers of Kalmati High Madrasah, namely, Safiur Rahman Sarkar, Dewan Sabibul Alam and Md. Hatim Ali have emphatically stated that the petitioner never attended the Madrasah and he never worked there. Mustafizur Rahaman, the Secretary of the Managing Committee of Kalmati High Madrasah also stated that Bilal Hossain Mallik was trying to push some persons as employees of the Madrasah but, they resisted such illegal action of Bilal Hossain Mallik.

A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of School, Coochbehar has categorically stated the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R—14/2013 dated 09/02/2015.

SL
81/08/23 *Mustafizur*

We are of considered opinion that Suriya Akter Banu was never recruited following the Rules of Recruitment and she never worked in the Kalamati High Madrasah, Coochbehar as Gr. 'D' employee.

Debi Prosad Dey

1) Justice Debi Prosad Dey 01/08/2023
(Chairman)

Manish Gupta

2) Shri Manish Gupta 01/08/2023
(Member)

Shri Sripati Mukhopadhyay

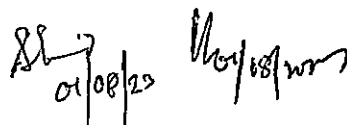
3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

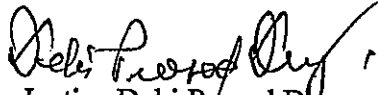
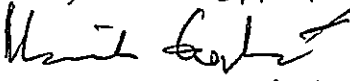
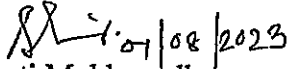
Abdur Rahim Mallik, Group 'D' :- The petitioner, Abdur Rahim Mallik suddenly appeared as 'Interested Person' on 04/05/2023 and prayed for consideration of his case in terms of the Hon'ble Supreme Court order dated 02/02/2023 vide Contempt Petition No. 352/2022. Except the photostat copy of the appointment letter issued by the Headmaster of Kalmati High Madrasah, Mr. Bilal Hossain Mallik, dated 23/12/2015 and the joining report signed by the Headmaster on 28/12/2015, the petitioner Abdur Rahim Mallik could not produce any other documents to justify that he was recruited following the Rules of Recruitment on 23/12/2015. Bilal Hossain Mallik, the Headmaster of the Kalmati High Madrasah has issued work done certificate in favour of the petitioner.

It is apparent from the original Resolution Book produced by the Headmaster of Kalmati High Madrasah that there is no whisper about the recruitment of the petitioner following the Rules of Recruitment. However, a separate Resolution Book has been manufactured presumably by the Headmaster of the said Madrasah showing the recruitment of the petitioner in the year 2015. No permission was obtained from the Government prior to the recruitment of the petitioner in terms of Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Curiously enough, the appointment was given by the Headmaster and the petitioner has reported before the Headmaster ignoring the Provision of West Bengal Rules for Management of Recognized Non-Government Madrasahs (Aided and unaided), 2002, wherein the Secretary is only authorized to issue the letter of appointment on behalf of the Managing Committee and the petitioner should report before the Secretary at the time of his joining. Three regular full time teachers of Kalmati High Madrasah, namely, Saifiur Rahman Sarkar, Dewan Sabibul Alam and Md. Hatim Ali, have emphatically stated that the petitioner never attended the Madrasah and he never worked there. Mustafizur Rahman, the Secretary of the Managing Committee of Kalmati High Madrasah also stated that Bilal Hossain Mallik was trying to push some persons as employees of the Madrasah but, they resisted such illegal action of Bilal Hossain Mallik. More so, Bilal Hossain Mallik has admitted that the petitioner is his nephew. The Headmaster, Bilal Hossain Mallik manufactured the documents to provide employment to his own nephew.

A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of School, Coochbehar has categorically stated that the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R-14/2013 dated 09/02/2015.


01/08/23

We are of considered opinion that Abdur Rahim Mallik was never recruited following the Rules of Recruitment and he never worked in the Kalamati High Madrasah, Coochbehar.

- 
1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 
2) Shri Manish Gupta 07/08/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Nur Jamal Hossain, Group 'D':- The petitioner, Nur Jamal Hossain Mallik suddenly appeared as '**Interested Person**' on 04/05/2023 and prayed for consideration of his case in terms of the Hon'ble Supreme Court order dated 02/02/2023 vide Contempt Petition No. 352/2022. Except the photostat copy of the appointment letter issued by the Headmaster of Kalmati High Madrasah, Mr. Bilal Hossain Mallik, dated 23/12/2015 and the joining report signed by the Headmaster on 28/12/2015, the petitioner, Nur Jamal Hossain Mallik could not produce any other document to justify that he was recruited following the Rules of Recruitment on 19/09/2018. Bilal Hossain Mallik, the Headmaster of the Kalmati High Madrasah has issued work done certificate in favour of the petitioner.

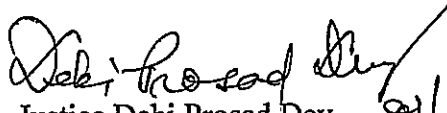
It is apparent from the original Resolution Book produced by the Headmaster of Kalmati High Madrasah that there is no whisper about the recruitment of the petitioner following the Rules of Recruitment. However, a separate Resolution Book has been manufactured presumably by the Headmaster of the said Madrasah showing the recruitment of the petitioner in the year 2015. No permission was obtained from the Government prior to the recruitment of the petitioner in terms of Section 4 (1) (ii) of The West Bengal Schools (Control of Expenditure) Act, 2005. Curiously enough, the appointment was given by the Headmaster and the petitioner has reported before the Headmaster ignoring the Provision of West Bengal Rules for Management of Recognized Non-Government Madrasahs (Aided and unaided), 2002, wherein the Secretary is only authorized to issue the letter of appointment on behalf of the Managing Committee and the petitioner should report before the Secretary at the time of his joining.

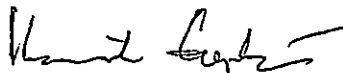
Three regular full time teachers of Kalmati High Madrasah, namely, Safiur Rahman Sarkar, Dewan Sabibul Alam and Md. Hatim Ali have emphatically stated that the petitioner never attended the Madrasah and he never worked there. Mustafizur Rahaman, the Secretary of the Managing Committee of Kalmati High Madrasah also stated that Bilal Hossain Mallik was trying to push some persons as employees of the Madrasah but, they resisted such illegal action of Bilal Hossain Mallik.

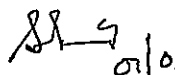
A separate Resolution Book appears to have been manufactured by the Headmaster, has been produced before this Committee. The Headmaster cannot issue the letter of appointment and cannot accept the joining report. The vacancies ought to be published in State Level Dailies but, in order to avoid that the impact of that clause, that the vacancy was published in a local newspaper of North Bengal without giving requisite particulars of the vacancies as stipulated under the Rules of Recruitment. The D.I. of School, Coochbehar has categorically stated the claims of the petitioners of the Madrasah are all fake and fabricated and they were never recruited following the Rules of Recruitment 486-MD/O/2M-11/2016 dated 03/03/2016 & 93-SE/S/10R—14/2013 dated 09/02/2015.

SLI
01/08/23 15/08/2023

We are of considered opinion that Nur Jamal Hossain Mallik was never recruited following the Rules of Recruitment and he never worked in the Kalamati High Madrasah, Coochbehar as Gr. 'D' employee.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

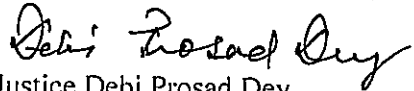
Nasima Bibi (Khatun), Assistant Teacher, English (Pass) : As per the Appointment Letter dated 26.12.2015 the petitioner was appointed in terms of the order passed by Hon'ble High Court in MAT No. 473/2016 and in terms of Resolution No. 11/15 of the Managing Committee dated 23.12.2015. The Appointment Letter itself reveals that the prevailing Rules of Recruitment at that point of time being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with.

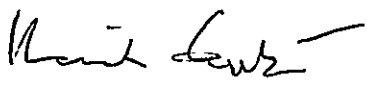
Curiously enough the original Resolution Book was not found and was not handed over to Md. Masihur Rahaman Laskar, the Superintendent of Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah. In absence of any such original Resolution, we are unable to peruse actually what happened in the meeting dated 23.12.2015. The copy of Resolution dated 27.12.2015 has further been filed by the petitioner though the same is not attested by any competent authority of the Madrasah. The said copy itself reveals that the Rules of Recruitment were never complied with in providing appointment to the petitioner.

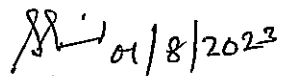
Admittedly, the petitioner obtained 42.58 % in aggregate in her B.A. examination and had no B.Ed degree on the date of her alleged appointment. That clearly goes to show that she had no requisite qualification to be appointed as Assistant Teacher English (pass) of the Madrasah. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah, but a separate register has been produced without having any signature of the Headmaster/Superintendent of that Madrasah.

The Superintendent further admitted that the petitioner has been working as Teacher in Madrasah. Section 4(1) of the West Bengal Schools (Control of Expenditure), 2005 provides that intimation to the State Government has to be given at the time of recruitment since the recruitment to a new candidate raises financial liability of the State Government. In such circumstances, the documents filed by the petitioner cannot be relied on.

Considering the materials produced by the Petitioner, the Superintendent of the Madrasah and the D.I. of Schools, South 24 Parganas, we find that the petitioner had no requisite qualification to be appointed as Assistant Teacher English and the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with at the time of alleged appointment and even the appointment of the petitioner becomes opaque for non-production of the original Resolution Book. However, as per admission of Superintendent the petitioner ^{has} may been working in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

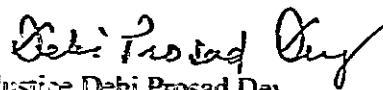
OBSERVATION

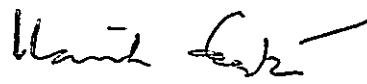
Sk. Manjur Ali, Assistant Teacher History (Pass): As per Appointment Letter dated 26.12.2015 the petitioner was appointed in terms of the order passed by Hon'ble High Court in MAT No. 473/2016 and in terms of Resolution No.11/15 of the Managing Committee dated 23.12.2015. The Appointment Letter itself reveals that the prevailing Rules of Recruitment at that point of time being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with. Curiously enough the original Resolution Book was not found and was not handed over to Md. Masihur Rahaman Laskar, the Superintendent of Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah, South 24 Parganas. In absence of any such original Resolution, we are unable to peruse actually what happened in the meeting dated 23.12.2015. The copy of Resolution dated 27.12.2015 has further been filed by the petitioner though the same is not attested by any competent authority of the Madrasah. The said copy itself reveals that the Rules of Recruitment were never complied with in providing appointment to the Petitioner.

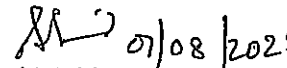
Admittedly, the petitioner obtained 42.88 % in aggregate in his B.A. examination and had no B.Ed degree on the date of his alleged appointment. That clearly goes to show that he had no requisite qualification to be appointed as Assistant Teacher History (pass) of the Madrasah. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah, but a separate register has been produced without having any signature of the Headmaster/Superintendent of that Madrasah.

The Superintendent further admitted that the petitioner has been working as Teacher in Madrasah. Section 4(1) of the West Bengal Schools (Control of Expenditure), 2005 provides that intimation to the State Government has to be given at the time of recruitment since the recruitment of a new candidate raises financial liability of the State Government. In such circumstances, the documents filed by the petitioner cannot be relied on.

Considering the materials produced by the Petitioner, the Superintendent of the Madrasah and the D.I. of Schools, South 24 Parganas, we find that the petitioner had no requisite qualification to be appointed as Assistant Teacher History (Pass) and the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with at the time of alleged appointment and even the appointment of the petitioner becomes opaque for non-production of the original Resolution Book. However, as per admission of Superintendent the petitioner ^{has} may been working in the Madrasah. 812


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

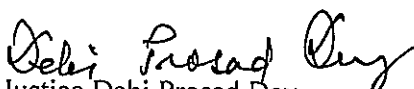

2. Shri Manish Gupta 01/08/2023
(Member)

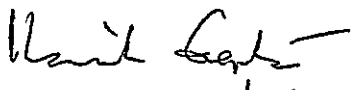

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

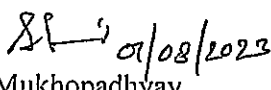
OBSERVATION

Md. Obaidullah Raj, Assistant Teacher Arabic (Pass): The petitioner is claiming that he ^{was} has been appointed on 14.11.2019 and the Letter of Appointment was issued by the Secretary of the Managing Committee. Md. Masihur Rahaman Laskar, the Superintendent of Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah, South 24 Parganas has specifically stated that there is no Resolution Book for the period of 2019 and 2020 since there was no valid Managing Committee at the relevant point of time. He has further stated that there is nothing/no document in the Madrasah to show that any advertisement was published regarding the vacancy position in any newspapers pursuant to the Resolution of the Managing Committee. In absence of any valid Managing Committee, it was impossible to know the authority of Ruhula Gazi to act as Secretary and to issue such Appointment Letter to the Petitioner. The Petitioner, however, did not attend the Madrasah on and from set in of lock down due to COVID situation.

Having regard to the materials on record and the statement of D.I. of Schools, South 24 Parganas and his report, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah. There was also no vacancy/sanctioned post of Assistant Teacher Arabic (Pass) on the date of alleged recruitment of the Petitioner. In such circumstances, the documents filed by the petitioner cannot be relied on.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

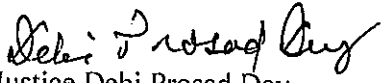

2. Shri Manish Gupta
(Member) 07/08/2023



3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023


OBSERVATION

Salma Sultana, Assistant Teacher Geography (Pass): The petitioner is claiming that she ^{was} has been appointed on 14.11.2019 and the Letter of Appointment was issued by the Secretary of the Managing Committee. Md. Masihur Rahaman Laskar, the Superintendent of Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah, South 24 Parganas has specifically stated that there is no Resolution Book for the period of 2019 and 2020 since there was no valid Managing Committee at the relevant point of time. He has further stated that there is nothing/no document in the Madrasah to show that any advertisement was published regarding the vacancy position in any newspapers pursuant to the Resolution of the Managing Committee. In absence of any valid Managing Committee, it was impossible to know the authority of Ruhula Gazi to act as Secretary and to issue such Appointment Letter to the Petitioner. The Petitioner, however, did not attend the Madrasah on and from set in of lock down due to COVID situation.

Having regard to the materials on record and the statement of D.I. of Schools, South 24 Parganas and his report, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah. There was also no vacancy/sanctioned post of Assistant Teacher Geography (Pass) on the date of alleged recruitment of the Petitioner. In such circumstances, the documents filed by the petitioner cannot be relied on.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

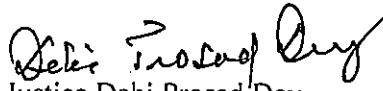

2. Shri Manish Gupta 01/08/2023
(Member)

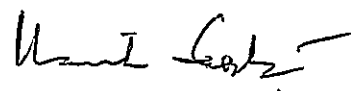

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)


OBSERVATION

Md. Samsur Rahman Mallick, Assistant Teacher Arabic (H/PG): The petitioner is claiming that ^{was} he has ^{AL} been appointed on 14.11.2019 and the Letter of Appointment was issued by the Secretary of the Managing Committee. Md. Masihur Rahaman Laskar, the Superintendent of Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah, South 24 Parganas has specifically stated that there is no Resolution Book for the period of 2019 and 2020 since there was no valid Managing Committee at the relevant point of time. He has further stated that there is nothing/no document in the Madrasah to show that any advertisement was published regarding the vacancy position in any newspapers pursuant to the Resolution of the Managing Committee. In absence of any valid Managing Committee, it was impossible to know the authority of Ruhula Gazi to act as Secretary and to issue such Appointment Letter to the Petitioner. The Petitioner, however, did not attend the Madrasah on and from set in of lock down due to COVID situation.

Having regard to the materials on record and the statement of D.I. of Schools, South 24 Parganas and his report, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah. There was also no vacancy/sanctioned post of Assistant Teacher Arabic (H/PG) on the date of alleged recruitment of the Petitioner. In such circumstances, the documents filed by the petitioner cannot be relied on.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)

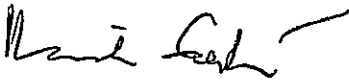

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

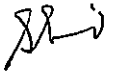
OBSERVATION

Srikrishna Mondal, Assistant Teacher Bengali (Pass): The petitioner is claiming that he ^{had} been appointed on 14.11.2019 and the Letter of Appointment was issued by the Secretary of the Managing ^{SR} Committee. Md. Masihur Rahaman Laskar, the Superintendent of Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah, South 24 Parganas has specifically stated that there is no Resolution Book for the period of 2019 and 2020 since there was no valid Managing Committee at the relevant point of time. He has further stated that there is nothing/no document in the Madrasah to show that any advertisement was published regarding the vacancy position in any newspapers pursuant to the Resolution of the Managing Committee. In absence of any valid Managing Committee, it was impossible to know the authority of Ruhula Gazi to act as Secretary and to issue such Appointment Letter to the Petitioner. The Petitioner, however, did not attend the Madrasah on and from set in of lock down due to COVID situation.

Having regard to the materials on record and the statement of D.I. of Schools, South 24 Parganas and his report, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah. There was also no vacancy/sanctioned post of Assistant Teacher Arabic (Pass) on the date of alleged recruitment of the Petitioner. In such circumstances, the documents filed by the petitioner cannot be relied on.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

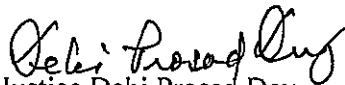

2. Shri Manish Gupta 01/08/2023
(Member)

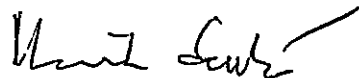

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)


OBSERVATION

Md. Omar Faruque Sardar, Assistant Teacher, Arabic (Pass): The petitioner is claiming that he ^{was} ~~been~~ appointed on 14.11.2019 and the Letter of Appointment was issued by the Secretary of the Managing Committee. Md. Masihur Rahaman Laskar, the Superintendent of Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah, South 24 Parganas has specifically stated that there is no Resolution Book for the period of 2019 and 2020 since there was no valid Managing Committee at the relevant point of time. He has further stated that there is nothing/no document in the Madrasah to show that any advertisement was published regarding the vacancy position in any newspapers pursuant to the Resolution of the Managing Committee. In absence of any valid Managing Committee, it was impossible to know the authority of Ruhula Gazi to act as Secretary and to issue such Appointment Letter to the Petitioner. The Petitioner, however, did not attend the Madrasah on and from set in of lock down due to COVID situation.

Having regard to the materials on record and the statement of D.I. of Schools, South 24 Parganas and his report, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah. There was also no vacancy/sanctioned post of Assistant Teacher Arabic (Pass) on the date of alleged recruitment of the Petitioner. In such circumstances, the documents filed by the petitioner cannot be relied on.


1. Justice Debi Prosad Dey ^{01/08/2023}
(Chairman)


2. Shri Manish Gupta ^{07/08/2023}
(Member)


3. Shri Sripati Mukhopadhyay ^{07/08/2023}
(Member)

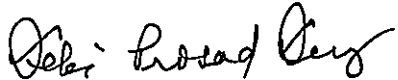
OBSERVATION

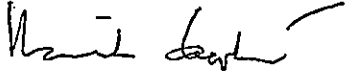
Sk. Sheikh Arif Mohammad, Assistant Teacher Pure Science (Pass): The petitioner had no requisite qualification to be appointed as Assistant Teacher Pure Science (Pass). The Rules of Recruitment being Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 does not provide any sort of relaxation in marks for OBC candidate.

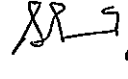
Secondly, on the date of alleged appointment of the Petitioner, there was no valid Managing Committee and that's why Ruhula Gazi could not issue any Letter of Appointment without being Secretary of a legally constituted Managing Committee.

The Superintendent of the Madrasah and the D.I. of Schools, South 24 Parganas have unequivocally stated that there was no valid Managing Committee. No Resolution has been produced to show that the petitioner was recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016.

It is therefore crystal clear that the petitioner having no requisite qualification to be appointed as Assistant Teacher, Pure Science (Pass), was never recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah. We do not find any signature of the petitioner in the Official Attendance Register maintained by the Madrasah. The Letter of Appointment and Joining Letter have been manufactured in collusion with Ruhula Gazi, who issued such papers without being Secretary of the Managing Committee at the relevant point of time. In such circumstances, the documents filed by the petitioner cannot be relied on.

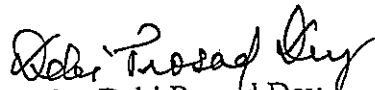

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

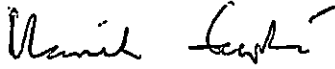

2. Shri Manish Gupta
(Member) 01/08/2023

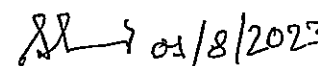

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Md. Masud Alam:- Dhuliyān Madrasah is a big Madrasah at Murshidabad. There are more than fifty approved teachers in the said Madrasah. On the basis of two Resolutions of the Managing Committee dated 04/05/2019 and 27/07/2019, Md. Masud Alam is claiming to have been appointed as Asstt. Teacher (Arabic) at Dhuliyān High Madrasah, Murshidabad. The Asstt. Headmaster Mr. Baijid Hossain admitted that the Resolution dated 04/05/2019 and 27/07/2019 have been separately pasted in the Resolution Book and that clearly goes to show that those Resolutions have been manufactured. It is also apparent from the statement of the Teacher-in-Charge, Mr. Baijid Hossain that the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 were not followed in the alleged appointment of Md. Masud Alam. The Attendance Register produced by the Asstt. Headmaster-cum-Teacher-in-Charge also did not bear the signature of the Headmaster/Teacher-in-Charge. In view of this matter, it may safely be stated that the Resolution and Attendance Register have been manufactured for the purpose of verification by this Committee. The Work Done Certificate issued by the President of the Dhuliyān High Madrasah, Murshidabad dated 29/08/2022 postulates that Md. Masud Alam worked as Asstt. Teacher (Arabic) from 22/07/2019 to 29/08/2022. Md. Masud Alam himself stated that he was on leave verbally granted in the year 2022 and 2023. The Asstt. Headmaster or Teacher-in-Charge of the Madrasah never issued any Work Done Certificate in favour of the petitioner Md. Masud Alam. In short, it may be stated that Md. Masud Alam was never recruited following the Rules of Recruitment. He never worked in the Dhuliyān High Madrasah as Asstt. Teacher (Arabic). The Attendance Register and the Resolution have been manufactured and produced for the purpose of this verification. The Resolutions have been subsequently manufactured and pasted with the Resolution Book. The Teacher-in-Charge of the Madrasah Mr. Baijid Hossain specifically admitted that recruitment of Md. Masud Alam is illegal since the Rules of Recruitment were not complied with. The District Inspector of School, Murshidabad also supported that Md. Masud Alam was never recruited following the Rules of Recruitment and the claim of the aforesaid person is false and fabricated.


1) Justice Debi Prosad Dey 21/08/2023
(Chairman)

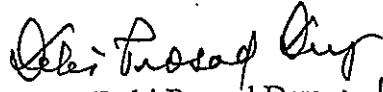

2) Shri Manish Gupta 21/8/2023
(Member)



3) Shri Sripati Mukhopadhyay
(Member)

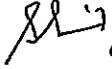
OBSERVATION

Morsalim Hossain:- The petitioner claiming to have been recruited as per the decision of the Managing Committee meeting No. 4 dated 17/07/2019. Curiously enough, he joined before the President instead the Secretary of the Managing Committee. The educational qualification reveals that Morsalim Hossain obtained 38% in the B.A. examination and thereby he had no requisite qualification to be appointed as Asstt. Teacher at Dhuliyan High Madrassah. The Resolution dated 17.07.2019 appears to have been manufactured. The Headmaster and the District of Inspector of School, Murshidabad admitted that the Rules of Recruitment being No. 486-MD/O/2M-11.2016 dated 03/03/2016 was never complied with in the recruitment of Morsalim Hossain. The Work Done Certificate has been issued by the President. The Asstt. Headmaster/Teacher-in-Charge of the Madrasah never issued any Work Done Certificate in favour the petitioner Morsalim Hossain. The Attendance Register also appears to have been manufactured for the purpose of production before this Committee. The Attendance Register does not bear the signature of any office bearer of the Dhuliyan High Madrasah.

It may safely be stated that Morsalim Hossain was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. He never worked in the Dhuliyan High Madrasah, which is a big Madrasah having more than fifty approved teachers. The documents filed by the petitioner Morsalim Hossain cannot be accepted for the reasons stated above.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/8/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Ismail Sk. :- The petitioner is claiming that he was recruited on the strength of the meeting no. 4 dated 17/07/2019 as Non-teaching staff (Clerk) at the Dhuliyān High Madrasah, Murshidabad. It is apparent that the Resolution dated 17/07/2019 in the Resolution Book of the Managing Committee of the Madrasah has been manufactured and two separate pages have been pasted after completion of the meeting on 17/07/2019. The copies of Attendance Register are not signed by any office bearer of the Dhuliyān High Madrasah. The Headmaster and the District Inspector of School, Murshidabad have admitted that the alleged claim of the petitioner Ismail Sk. as Group-'C' employee of the Dhuliyān High Madrasah is illegal, false and fabricated since no Rules of Recruitment were followed. The Work Done Certificate dated 29/08/2022 have been issued by the President, Dhuliyān High Madrasah up to 29/08/2022 and there is no signature of Teacher-in-Charge/Headmaster to the effect that Ismail Sk. has been working as Clerk since 18/07/2019.

It is crystal clear that Ismail Sk. was never recruited following the Rules of Recruitment in the Dhuliyān High Madrasah as non-teaching staff. His claim is false and fabricated for the reason state above. He never worked in the Dhuliyān High Madrasah. The documents filed by him, have all been prepared for the purpose of this verification by the Committee.

Debi Prosad Dey

1) Justice Debi Prosad Dey
(Chairman) 01/08/2023

Manish Gupta

2) Shri Manish Gupta 01/8/2023
(Member)


Sri Sri Pati Mukhopadhyay 01/8/2023

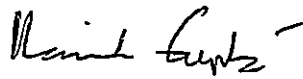
3) Shri Sri Pati Mukhopadhyay
(Member)

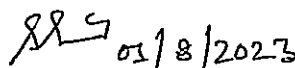
OBSERVATION

Md. Azmal Hossain:- The petitioner is claiming to have been recruited as Gr. 'D' (Peon) in the Dhuliyān High Madrasah. Murshidābad on 29/11/2019 and accordingly, he joined on 30/11/2019. It appears from the Resolution Book of the Managing Committee of the Madrasah that the Resolution dated 28/11/2019 was ended with thanks to the chair. Thereafter, in a separate page, on the selfsame day the proposal no. 10 was recorded stating inter alia that Md. Azmal Hossain and Poly Khatun were appointed on 28/11/2019.

That clearly goes to show that proposal no. 10 has been scribed after completion of the meeting and it does not bear the signature of the members present on such date except the signature of the President. We have no hesitation to say that the proposal no. 10 as recorded in the Resolution Book has been subsequently inserted and the same is manufactured. There is absolutely no document to show that Azmal Hossain was recruited following the Rules of Recruitment as the Photostat copy of appointment letter reveals that on 29/11/2019, Md. Azmal Hossain was appointed on temporary basis. The appointment letter and the joining letter of Md. Azmal Hossain are questionable since he did not report to the Secretary of the Managing Committee. Separate Attendance Registers have been prepared for the purpose of this verification. The Asstt. Headmaster and the District Inspector of School, Murshidābad have admitted that Azmal Hossain was never recruited following the Rules of Recruitment. We did not find any document to hold that Azmal Hossain has been working as Gr. 'D' (Peon) since 29/11/2019 being recruited as per the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The copy of Attendance Register produced showing the signature of Md. Azmal Hossain is not the official document of Dhuliyān High Madrasah and does not bear the signature of the Headmaster/Teacher-in-Charge of Dhuliyān High Madrasah. No Work Done Certificate has been produced from the Headmaster/Teacher-in-Charge of the Madrasah but, one Work Done Certificate has been produced by the President dated 29/11/2022. In short, Md. Azmal Hossain was never recruited following the Rules of Recruitment and he never worked as Gr. 'D' (Peon) in the Dhuliyān High Madrasah.

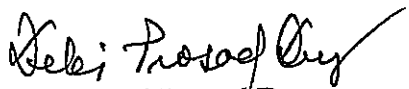

1) Justice Debi Prosad Dey 01/08/2023
(Chairman)

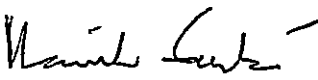

2) Shri Manish Gupta 01/8/2023
(Member)

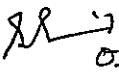

3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Arif Hossain:- Appointment letter reveals that Arif Hossain, Asstt. Teacher of Dhuliyān Madrasah has been appointed on temporary basis. The Resolution dated 17/07/2019 has been manufactured and two separate pages have been pasted after completion of the meeting of the Managing Committee. He had no B. Ed. Degree on the date of his alleged appointment. According to his certificate, he acquired B. Ed. Degree on 13/09/2019 whereas, his date of alleged appointment is on 22/07/2019. There was no vacancy as per staff pattern on the date of his alleged appointment. The Asstt. Headmaster and the District Inspector of School, Murshidabad have clearly admitted that Rules of Recruitment were never followed in the alleged recruitment of Arif Hossain. The Attendance Register also does not bear the signature of any office bearer of the Dhuliyān High Madrasah. We are of the considered opinion to say that the Attendance Register has been prepared for the purpose of this verification. No Work Done Certificate has been issued by the Asstt. Headmaster/Headmaster of the Dhuliyān High Madrasah in favour of the petitioner, that goes to show that Arif Hossain was never recruited following the Rules of Recruitment and he never worked in the Dhuliyān High Madrasah. All the papers produced by Arif Hossain except his educational qualifications have been manufactured for this purpose of verification.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023

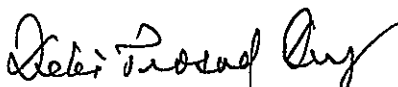

2) Shri Manish Gupta 01/08/2023
(Member)

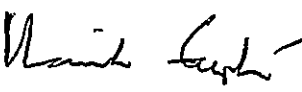

3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

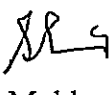
OBSERVATION

Ismail Sk. :- As per the petitioner's appointment letter, he was appointed on 18/07/2019 as Asstt. Teacher on temporary basis. He had no requisite qualification on the date of his alleged appointment since he acquired B.Ed. degree on 08/11/2019. The joining letter produced by Ismail Sk. also appears to be doubtful since he did not report to the Secretary for his joining. The Asstt. Headmaster and the District Inspector of School, Murshidabad have admitted that Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with in the alleged appointment of Ismail Sk. He could not produce any Work Done Certificate from the Asstt. Headmaster/Headmaster of the Dhuliyān High Madrasah but, the Work Done Certificate issued by the President dated 29/08/2022 also appears to be doubtful. The Attendance Register has not been signed by any office bearer of the Dhuliyān High Madrasah and the same has been prepared for the purpose of this verification. The Resolution dated 17/07/2019 as per Asstt. Headmaster, Mr. Baijid Hossain, has been manufactured by pasting two separate pages with the copy of Resolution Book.

After considering the entire materials on record, we are of considered opinion that Ismail Sk, was never recruited following the Rules of Recruitment at Dhuliyān High Madrasah and he never worked in such Madrasah since 22/07/2019. Thus, the claim of petitioner, Ismail Sk. is false and fabricated.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023

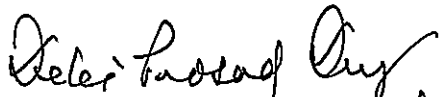
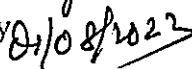

2) Shri Manish Gupta 01/08/2023
(Member)

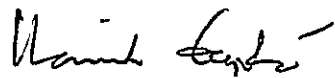


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

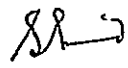
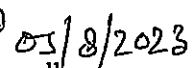
OBSERVATION

Md. Asmaul Khalifa:- As per appointment letter, he was appointed on 18/07/2019 as Asstt. Teacher on temporary basis. Admittedly, the Rules of Recruitment were not complied with in the alleged appointment of Md. Asmaul Khalifa. The Resolution dated 17/07/2019 of the Dhuliyian High Madrasah has been manufactured by pasting two separate pages in the Resolution Book. The D.I. of School, Murshidabad and the Asstt. Headmaster have admitted that Rules of Recruitment were not complied with and the claim of Md. Asmaul Khalifa is not correct. The D.I. of School specifically stated that the claim of Md. Asmaul Khalifa is false and fabricated. The Attendance Register produced to justify the attendance of Md. Asmaul Khalifa, appears to have been manufactured since the Attendance Register does not bear the signature of any office bearer of Dhuliyian High Madrasah.

We are of considered opinion that Md. Asmaul Khalifa was never recruited as Asstt. Teacher (Geography) at Dhuliyian High Madrasah following the Rules of Recruitment being no. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked as Asstt. Teacher of Geography at the Dhuliyian High Madrasah. The Work Done Certificate produced by the petitioner, Md. Asmaul Khalifa also cannot be accepted since the same has not been issued by the Asstt. Headmaster/Headmaster of the Dhuliyian High Madrasah.


1) Justice Debi Prosad Dey 
(Chairman)

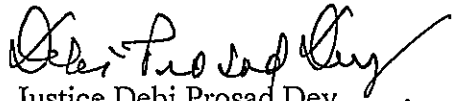

2) Shri Manish Gupta 
(Member)

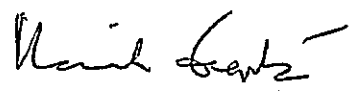

3) Shri Sripati Mukhopadhyay 
(Member)

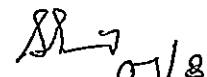
OBSERVATION

Poly Khatun:- As per appointment letter, Poly Khatun has been appointed on temporary basis as Gr. 'D' employee of the Dhuliyān High Madrasah on purely temporary basis with effect from 29/11/2019 in terms of the meeting no. 7 dated 28/11/2019. The Resolution dated 28/11/2019 has been manufactured showing the appointment of Poly Khatun since proposal no. 10 has been recorded after completion of the meeting with thanks to the chair. The Asstt. Headmaster and the D.I. of School, Murshidabad have admitted that Poly Khatun was never recruited following the Rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03/03/2016. Poly Khatun could not produce her Work Done Certificate from the Headmaster/Asstt. Headmaster. The Work Done Certificate issued by the President and the same cannot be relied on. The Attendance Register produced to justify the attendance of Poly Khatun in the Dhuliyān High Madrasah cannot be accepted for want of signature of any office bearer of the Dhuliyān High Madrasah.

Considering the materials on record, we are of considered opinion that the petitioner Poly Khatun was never recruited following the Rules of recruitment. She never worked at Dhuliyān High Madrasah as claimed by her.

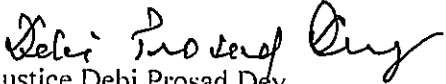

1) Justice Debi Prosad Dey
(Chairman) 01/08/2023

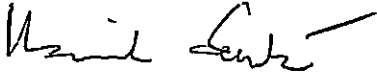

2) Shri Manish Gupta 01/8/2023
(Member)

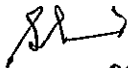

3) Shri Sripati Mukhopadhyay 05/8/2023.
(Member)

OBSERVATION

Md. Rofikuzzaman, Assistant Teacher, Physical Education (Pass) :- Despite issuance of successive notices, the petitioner did not turn up with the original documents for verification of the same by this committee. Office specifically reported that all the notices were duly served upon the petitioner. We have gone through the documents filed by the petitioner. The specific case that has been made out is that pursuant to meeting of Managing Committee dated 08.09.2015 the petitioner was appointed as Assistant Teacher of Physical Education at Debkunda High Madrasah at Murshidabad. The Teacher-in-Charge of Debkunda High Madrasah and the District-Inspector of School Murshidabad both have been examined. They have unequivocally stated that Md. Rofikuzzaman was never recruited following Rules of Recruitment and he was never recruited at Debkunda High Madrasah as Assistant Teacher of Physical Education. The Original Resolution Book has been produced by the Teacher-in-Charge Md. Abdur Rahaman. On scrutiny of the said Resolution Book we do not find any such Resolution dated 08.09.2015. The Teacher-in-Charge has specifically asserted that the copy of the Resolution filed by Md. Rofikuzzaman is false and fabricated. In absence of original testimonials, we are not in a position to accept on the basis of Photostat copies of document about the authenticity of such document. The Attendance Register also does not depict the signature of the petitioner as Assistant Teacher of Debkunda High Madrasah. On the basis of such false photocopy of Resolution and photocopy of the Appointment Letter and Joining Report we are not in a position to accept that Md. Rofikuzzaman was recruited following the Rules of Recruitment in terms of Memo No. 93-SE/10R-14/2013 dated 9th February 2015. The claim of the petitioner Md. Rofikuzzaman cannot be accepted and he is not entitled to get any salary.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Intiazuddin Ahmed, Assistant Teacher, Bengali (Pass) :- Despite successive service of notices upon the petitioner, he did not turn up for verification of documents. In absence of any original document, we are not in a position to verify the Photostat copies of appointment letter, joining report, educational testimonial etc. As per appointment letter of the petitioner, the petitioner was appointed in terms of the Resolution of the Managing Committee dated 18.12.2015. The Teacher-in-charge of the Debkunda High Madrasah, Murshabad. Md. Abdur Rahman produced the original Resolution Book of the Managing Committee and we did not find any such Resolution dated 18.12.2015 whereby the petitioner was appointed as Assistant Teacher of Bengali (Pass) of Debekunda High Madrasah, Murshabad. The Teacher-in-charge of the Madrasah has been in that Madrasah since 01.10.1988 and he never saw the petitioner working as Assistant Teacher in that Madrasah. The Attendance Register produced by the Teacher-in-charge did not reflect the signature of the petitioner. In fine we are of considered opinion that Md. Intiazuddin Ahmed, the petitioner was not recruited following the Rules of Recruitment as Assistant Teacher of Debkunda High Madrasah, Murshidabad and he is not entitled to get any salary from the Government of West Bengal.

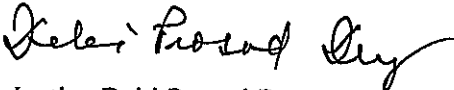
Debi Prosad Dey
1) Justice Debi Prosad Dey
(Chairman) 01/08/2023

Manish Gupta
2) Shri Manish Gupta 01/08/2023
(Member)

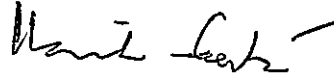
Sri Mukhopadhyay
3) Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

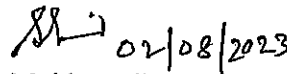
Mustakim, Assistant Teacher, History (Pass) :- The petitioner, Mustakim did not turn up despite service of notice on successive occasions for verification of his documents. As per the statement of Abdur Rahman, the Teacher-in-charge of Debkunda High Madrasah, Murshidabad, Md. Mustakim was never appointed in the said Madrasah on the strength of any decision of the Managing Committee dated 18 12 2015. The copy of the Resolution filed by Md. Mustakim is false and fabricated. We also did not find any such Resolution by verifying the original Resolution Book of the Managing Committee. We also did not find any signature of the petitioner in the Attendance Register of the Madrasah. We are of the considered opinion that Md. Mustakim, the petitioner was never recruited following the Rules of Recruitment being No.93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in Debkunda High Madrasah, Murshidabad as Assistant Teacher, History (Pass) category. The petitioner is not entitled to get any salary from the Government of West Bengal since the entire case of the petitioner is based on false and fabricated documents.



1) Justice Debi Prosad Dey
(Chairman) 02/08/2023



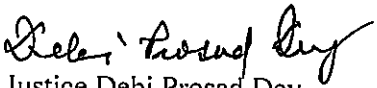
2) Shri Manish Gupta
(Member) 02/08/2023

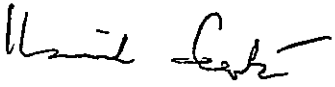


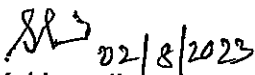
3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Raja Hossain Mallick, Group-D:- The petitioner Md. Raja Hossain Mallick is claiming to have been appointed in Debkunda High Madrasah, Murshidabad as Metron, i.e. Group 'D' staff in terms of the Resolution of the Management dated 18/12/2015. Md. Abdur Rahman, the Teacher-in-charge of the Debkunda High Madrasah, Murshidabad produced the Attendance Register and the original Resolution Book of the Managing Committee. We did not find any such Resolution dated 18/12/2015. There is no signature of the petitioner, Md. Raja Hossain Mallick in the Attendance Register of the Madrasah. In absence of the original document, the Photostat copies of the documents filed by the petitioner cannot be verified. Moreover, there was no sanctioned post of Metron in Debkunda High Madrasah. In fine, we are of the considered view that Mr. Raja Hossain Mallick, the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he is not entitled to get any salary from the Government of West Bengal since the case of Md. Raja Hossain Mallick is based on false and fabricated documents.

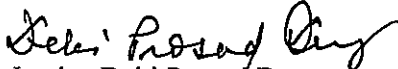

1) Justice Debi Prosad Dey
(Chairman) 02/08/2023

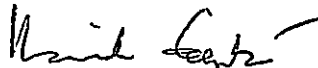

2) Shri Manish Gupta
(Member) 02/08/2023



3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Md. Masiullah Sk., Group-D :- The petitioner, Md. Masiullah Sk. is claiming to have been appointed as Group 'D' employee of Debkunda High Madrasah, Murshidabad in terms of the meeting No. 01/SPL/15 dated 18/12/2015 of the Managing Committee. Md. Abdur Rahman, the Teacher-in-charge of the Debkunda High Madrasah. Murshidabad produced the Attendance Register and the original Resolution Book of the Managing Committee. We did not find any such Resolution dated 18/12/2015. There is no signature of the petitioner, Md. Masiullah Sk. in the Attendance Register of the Madrasah. In absence of the original document, the Photostat copies of the documents filed by the petitioner cannot be verified. Moreover, there was no sanctioned post of Gr. 'D' employee in Debkunda High Madrasah. In fine, we are of the considered view that Mr. Md. Masiullah Sk., the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he is not entitled to get any salary from the Government of West Bengal since the case of Md. Masiullah Sk. is based on false and fabricated documents.


1) Justice Debi Prosad Dey
(Chairman) 02/08/2023


2) Shri Manish Gupta 02/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Mst. Saira Banu, Assistant Teacher English (H/PG) :- The petitioner, is claiming to have been recruited as Asstt. Teacher. English (H/PG) of Debkunda High Madrasah, Murshidabad in terms of the Resolution of the Managing Committee dated 18/12/2015. Md. Abdur Rahman, the Teacher-in-charge of the Debkunda High Madrasah, Murshidabad produced the Attendance Register and the original Resolution Book of the Managing Committee. We did not find any such Resolution dated 18/12/2015. There is no signature of the petitioner, Mst. Saira Banu, Asstt. Teacher in the Attendance Register of the Madrasah. In absence of the original document, the Photostat copies of the documents filed by the petitioner cannot be verified.

In fine, we are of the considered view that Mst. Saira Banu, Assistant. Teacher, the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she is not entitled to get any salary from the Government of West Bengal since the case of Mst. Saira Banu, as Asstt. Teacher is based on false and fabricated documents.

Debi Prosad Dey

1) Justice Debi Prosad Dey *02/08/2023*
(Chairman)

Manish Gupta

2) Shri Manish Gupta *02/08/2023*
(Member)

Sripati Mukhopadhyay

3) Shri Sripati Mukhopadhyay *02/08/2023*
(Member)

OBSERVATION

Aneba Khatun, Group-D : The petitioner is claiming that she has been recruited as Group D Peon in Debkundu High Madrasah in terms of the Resolution of the Managing Committee dated 18.12.2015, on scrutiny of the Original Resolution Book produced by Md. Abdur Rahaman we do not find any such Resolution dated 18.12.2015 of the Managing Committee. The Teacher-in-Charge the D.I. of School also stated that the copy of the Resolution and the Attendance Register filed by the petitioner are all false and fabricated. We do not find any document to hold that Aneba Khatun was recruited as Group D Peon following the Rules of Recruitment in terms of Memo No. 93-SE/10R-14/2013 dated 9th February 2015. She is not entitled to get any salary.

*the petitioner never attended ten headwork
since the copy of attendance register, produced by the Petitioner, is false and
fabricated.*

Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

Manish Gupta
2. Shri Manish Gupta 02/08/2023
(Member)

SR 02/08/2023
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Mst. Rajiun Kasfima, Group-D : The petitioner is claiming that he has been recruited as Group-D in Debkundu High Madrasah in terms of the Resolution of the Managing Committee dated 18.12.2015. On scrutiny of the Original Resolution Book produced by Abdur Rahaman we do not find any such Resolution dated 18.12.2015 of the Managing Committee. The Teacher-in-Charge and the D.I. of School also stated that the copy of the Resolution and the Attendance Register filed by the petitioner are all false and fabricated. We do not find any document to hold that Mst. Rajiun Kasfima was recruited as Group-D following the Rules of Recruitment in terms of Memo No. 93-SE/10R-14/2013 dated 9th February 2015. Hence she is not entitled to get any salary.

The Petitioner never attended for the Madrasah since the copy of attendance register produced by her, is false and fabricated.

Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

Manish Gupta
2. Shri Manish Gupta
(Member) 02/08/2023

Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Golam Mortuja, Assistant Teacher History (Pass): Despite receipts of successive notices issued from this end the petitioner did not turn up for verification of documents. The petitioner is claiming to have been recruited as Assistant Teacher History 'Pass' in Debkunda High Madrasah on the strength of the Resolution adopted by the Managing Committee dated 8.9.2015. On scrutiny of the Original Resolution Book produced by Md. Abdur Rahaman we do not find any such Resolution dated 8.9.2015 of the Managing Committee. The Teacher-in-Charge and the D.I. of Schools also stated that the copy of the Resolution and the Attendance Register filed by the petitioner are all false and fabricated. We do not find any document to hold that Golam Mortuja was recruited as Assistant Teacher History (Pass)

following the Rules of Recruitment in terms of Memo No. 93-SE/10R-14/2013 dated 9th February 2015 and has attended this Madrasah at any point of time or
As such he is not entitled to get any salary.

Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

Manish Gupta
2. Shri Manish Gupta
(Member) 02/08/2023

Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Md. Samiul Kabir. Assistant Teacher English (Pass): The petitioner did not turn up for verification of his document despite receipts of successive notices from this Committee. The claim of the petitioner is that the petitioner was appointed in terms of decision of the Managing Committee dated 5.12.2015 as Assistant Teacher in Language Group 'English' in Debkunda High Madrasah on temporary basis. Admittedly the petitioner was appointed on temporary basis However, Mr. Md. Abdur Rahaman the Teacher-in-Charge and D.I. of Schools have unequivocally stated that Md. Samiul Kabir was never recruited following the Rules of Recruitment in terms of Memo No. 93-SE/10R-14/2013 dated 9th February 2015. We also do not find any Resolution in the Original Resolution Book, a copy of such has been submitted by Md. Samul Kabir. In absence of any original documents we could not verify even the Educational Testimonials of Md. Samiul Kabir. The entire case of Md. Samiul Kabir is based on false and fabricated documents. We do not find signature of Md. Samiul Kabir in Attendance Register produced by Teacher-in-Charge. In short, Md. Samiul was never recruited following the Rules of Recruitment as Assistant Teacher in Debkunda High Madrasah and is not entitled to get any salary.

He never attended the Madrasah in any capacity. →

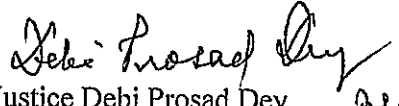
Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) *02/08/2023*

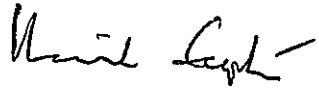
Manish Gupta
2. Shri Manish Gupta *02/08/2023*
(Member)

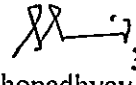
SRM
3. Shri Sripati Mukhopadhyay *02/08/2023*
(Member)

OBSERVATION

Tabassum Khatun, Assistant Teacher, Work Education (Pass) :- Despite service of notice on successive occasions, Tabassum Khatun did not turn up with original documents. We do not find any Letter of Appointment, Joining Letter or Work Done Certificate in the representation filed by her. According to the papers submitted by her, she had no requisite qualification to be appointed as a teacher. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioner, Tabassum Khatun following the Rules of Recruitment. The claim of the petitioner Tabassum Khatun is fake and fabricated as per the report of D.I. of School, North 24 Parganas.

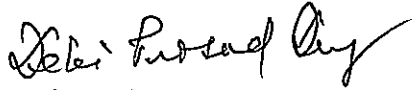

1) Justice Debi Prosad Dey 31/07/2023
(Chairman)

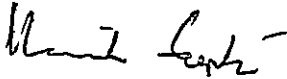

2) Shri Manish Gupta 31/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Tamasa Sarkar Assistant Teacher, Science Group (Pass) :- Tamasa Sarkar was not having requisite qualification, could not produce any Letter of Appointment, Joining Letter, or Work Done Certificate issued by the Headmaster. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per report of ADI, Basirhat, the claim of Tamasa Sarkar as Assistant Teacher of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. She was never recruited following the Rules of Recruitment and she never worked in the Madrasah.



1) Justice Debi Prosad Dey 31/07/2023
(Chairman)

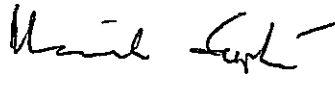

2) Shri Manish Gupta 31/07/2023
(Member)

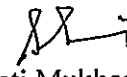

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Sahanara Parvin, Assistant Teacher, Bengali (Pass) :-She could not produce any Letter of Appointment, Joining Letter or any Work Done Certificate issued by the Headmaster. The alleged letter of confirmation appears to be fake and fabricated. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per report of ADI, Basirhat, the claim of Sahanara Parvin as Assistant Teacher of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. She had no requisite qualification to be appointed as Assistant Teacher. She was never recruited following the Rules of Recruitment and she never worked in the Madrasah.



1) Justice Debi Prosad Dey
(Chairman)

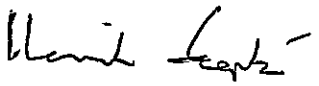

2) Shri Manish Gupta 31/07/2023
(Member)

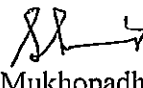

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Sk. Afrajuddin, Assistant Teacher, Bio Science (Pass):- He was not having requisite qualification and also had no degree of B. Ed. in the year 2016 to be appointed as teacher of Fulbari Aminia High Madrasah, North 24 Parganas. He could not produce his Appointment Letter, Joining Letter or Work Done Certificate issued by the Headmaster of the Madrasah. The Work Done Certificate issued by the Secretary cannot be relied upon District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. He never worked in the Madrasah. The claim of the petitioner Sk. Afrajuddin is fake and fabricated as per the report of the District Inspector of School, North 24 Parganas.


1) Justice Debi Prosad Dey 31/07/2023
(Chairman)


2) Shri Manish Gupta 31/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

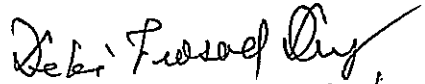
OBSERVATION


Abdulla Molla, Group-D :- He could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per report of ADI, Basirhat, and the Headmaster, the claim of Abdulla Molla as Group-D employee of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. He was never recruited following the Rules of Recruitment and he never worked in the Madrasah. Admittedly, he was given appointment purely on temporary basis on payment of monthly salary of Rs.1000/-

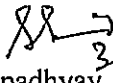
- 1) Justice Debi Prosad Dey
(Chairman) 31/07/22
- 2) Shri Manish Gupta
(Member) 31/07/22
- 3) Shri Sripati Mukhopadhyay
(Member) 31/07/22

OBSERVATION

Md. Arifbilla Mondal, Group-D:- He could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per report of ADI, Basirhat, the claim of Abdulla Molla as Group-D employee of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. He was never recruited following the Rules of Recruitment as per the report of the Headmaster and D.I. of School, North 24 Parganas, and he never worked in the Madrasah. We did not find his signature in the Attendance Register.


1) Justice Debi Prosad Dey 31/07/2023
(Chairman)


2) Shri Manish Gupta 31/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Rafique Mondal, Group-D :- Admittedly, there was no valid Managing Committee on the date of his alleged appointment. He could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per report of ADI, Basirhat, and the Headmaster, the claim of Rafique Mondal as Group-D employee of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. He was never recruited following the Rules of Recruitment and he never worked in the Madrasah.

Debi Prosad Dey

- 1) Justice Debi Prosad Dey 31/07/2023
(Chairman)

Manish Gupta

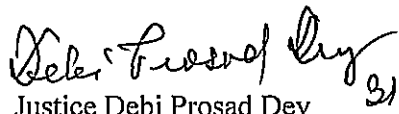
- 2) Shri Manish Gupta 31/07/2023
(Member)

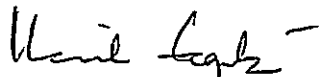
Sripati Mukhopadhyay 31/07/2023

- 3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Abdul Aziz Mondal, Group-C (Clerk) :- Admittedly, there was no valid Managing Committee on the date of his alleged appointment. He could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster. As per the documents produced by the ADI, Basirhat and the statement of Sarafat Rezamin, the Headmaster of Fulbari Aaminia High Madrasah, no such appointment was ever given to the petitioner. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per report of ADI, Basirhat, and the Headmaster, the claim of Abdul Aziz Mondal as Group-C employee of Fulbari Aaminia High Madrasah, North 24 Parganas is fake and fabricated. He was never recruited following the Rules of Recruitment and he never worked in the Madrasah.

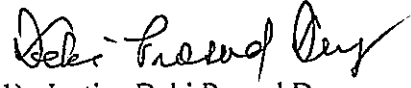

1) Justice Debi Prosad Dey 31/07/2023
(Chairman)


2) Shri Manish Gupta 31/07/2023
(Member)

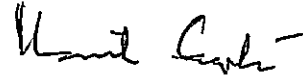

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

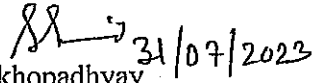
Sakina Khatun, Group 'D':- Admittedly, there was no valid Managing Committee on the date of her alleged appointment. She could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per report of ADI, Basirhat, and the Headmaster, the claim of Sakina Khatun as Group-D employee of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. She was never recruited following the Rules of Recruitment and she never worked in the Madrasah.



1) Justice Debi Prosad Dey
(Chairman) 31/08/2023



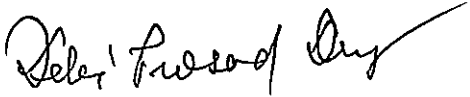
2) Shri Manish Gupta
(Member) 31/07/2023

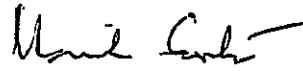


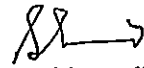
3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Hasanur Zaman Mondal, Assistant Teacher, Science Group (Pass) :- He resides about 160 km away in the district of Murshidabad. Admittedly, there was no valid Managing Committee on the date of his alleged appointment. He could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. ADI, Basirhat, also stated with documentary evidence that the claim of Hasanur Zaman Mondal, Assistant Teacher of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. He was never recruited following the Rules of Recruitment and he never worked in the Madrasah.

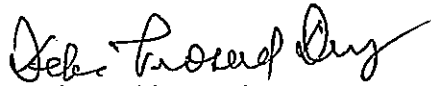

1) Justice Debi Prosad Dey
(Chairman) 31/07/2023



2) Shri Manish Gupta 31/07/2023
(Member)



3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Arlina Parvin, Assistant Teacher, Physical Science () :- Arlina Parvin was having no requisite qualification. Admittedly, there was no valid Managing Committee on the date of her alleged appointment i.e. on 25.02.2016. She could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per the report of the ADI, Basirhat, and the Headmaster of the Fulbari Aminia High Madrasah, the claim of Arlina Parvin, Assistant Teacher of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. She was never recruited following the Rules of Recruitment and she never worked in the Madrasah.

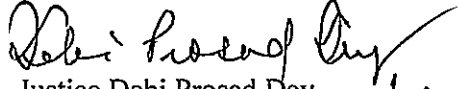

1) Justice Debi Prosad Dey 31/07/2022
(Chairman)

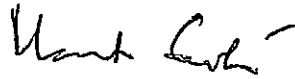

2) Shri Manish Gupta 31/07/2022
(Member)

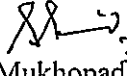

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Sonia Khatun, Assistant Teacher, Bengali (Pass) :- Admittedly, there was no valid Managing Committee on the date of her alleged appointment i.e. on 25.02.2016. She could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster to justify her claim. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per the report the ADI, Basirhat, and the Headmaster of the Fulbari Aminia High Madrasah, the claim of Sonia Khatun, Assistant Teacher of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. She was never recruited following the Rules of Recruitment and she never worked in the Madrasah.


1) Justice Debi Prosad Dey 31/07/2023
(Chairman)


2) Shri Manish Gupta 31/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

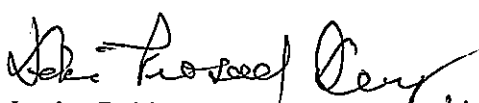
OBSERVATION

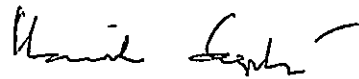
Milton Gazi, Group-C (Librarian) :- Admittedly, there was no valid Managing Committee on the date of his alleged appointment. He could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster. As per the documents produced by the ADI, Basirhat and the statement of Sarafat Rezamin, the Headmaster of Fulbari Aaminia High Madrasah, no such appointment was ever given to the petitioner. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. As per report of ADI, Basirhat, and the Headmaster, the claim of Milton Gazi as Group-C employee of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. He was never recruited following the Rules of Recruitment and he never worked in the Madrasah.


- 1) Justice Debi Prosad Dey
(Chairman) 31/07/22
- 2) Shri Manish Gupta
(Member) 31/07/22
- 3) Shri Sripati Mukhopadhyay
(Member) 31/07/2023

OBSERVATION

Sk. Ahamadullah, Assistant Teacher, History (Pass):- The Headmaster, Sarafat Rezamin after consulting the office record, specifically stated that Sk. Aamadullah was never appointed following the Rules of Recruitment as Assistant Teacher, History (Pass) in Fulbari Aminia High Madrasah, North 24 Parganas. Admittedly, there was no valid Managing Committee on the date of his alleged appointment i.e. on 25.02.2016. He could not produce any Letter of Appointment, Joining Letter or Work Done Certificate issued by the Headmaster to justify his claim. District Inspector of School, North 24 Parganas and the Managing Committee of the Madrasah for the year 2016-17 in a joint meeting on 06.08.2022 declared that no such appointment was ever given to the petitioners including the petitioner following the Rules of Recruitment. Work Done Certificate issued by the Secretary cannot be accepted. According to the Headmaster, Sk. Ahamadullah never worked in the said Madrasah. His signature was not found in the Attendance Register. The Resolution dated 20/12/2018 in Special Meeting No. SPL/01 is also found missing from the original Resolution Book of the Managing Committee. ADI, Basirhat, also did not find any paper in her office record about the appointment of Sk. Ahamadullah and as per the report of the Headmaster of the Fulbari Aminia High Madrasah, the claim of Sk. Ahamadullah, Assistant Teacher of Fulbari Aminia High Madrasah, North 24 Parganas is fake and fabricated. He was never recruited following the Rules of Recruitment and he never worked in the Madrasah. He had no B. Ed. Degree on the date of his appointment.


1) Justice Debi Prosad Dey 31/07/2023
(Chairman)


2) Shri Manish Gupta 31/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 31/7/2023
(Member)

OBSERVATION

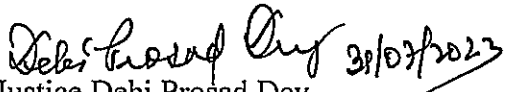
Md. Saidul Islam, Assistant Teacher, History (H/PG) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.


The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

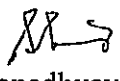
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION


Asiul Sahana, Assistant Teacher, History (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

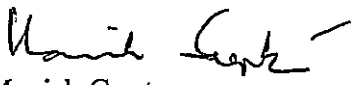
The Headmaster, Gulam Mohammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

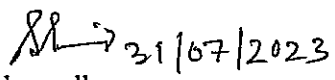
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

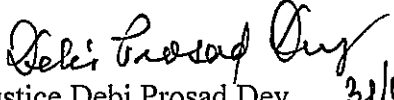
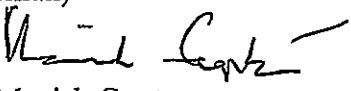
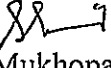
Md. Haider Ansari, Assistant Teacher, Arabic (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mohammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

1. Justice Debi Prosad Dey  31/07/2023
(Chairman)
2. Shri Manish Gupta  31/07/2023
(Member)
3. Shri Sripati Mukhopadhyay  31/07/2023
(Member)

OBSERVATION

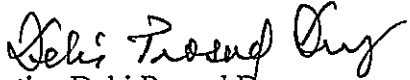
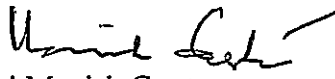
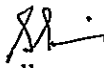
Sk. Jasimuddin, Assistant Teacher, Geography (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

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1. Justice Debi Prosad Dey
(Chairman) 31/07/2023
- 
2. Shri Manish Gupta
(Member) 31/07/2023
- 
3. Shri Sripati Mukhopadhyay
(Member) 31/07/2023

OBSERVATION

Goutam Kumar Das, Assistant Teacher, Physics (Pass) : Admittedly, the petitioner had no B.Ed. degree on the date of his alleged Recruitment and that's why the petitioner has no requisite qualification to be appointed as Assistant Teacher. The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also

submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

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Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

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Debi Prosad Dey 31/07/2023
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Sripati Mukhopadhyay 31/07/2023

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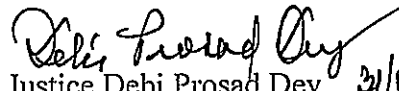
Md. Noman Habib, Assistant Teacher, Bio-Science (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

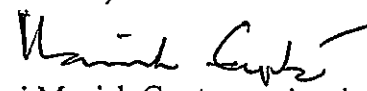
The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

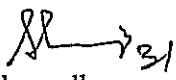
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated hereinabove.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

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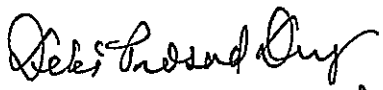


Jasimuddin Molla, Assistant Teacher, Bio-Science (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

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Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

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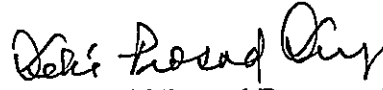
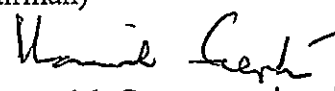
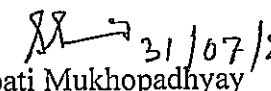
Tubinarani Khatun, Assistant Teacher, English (Pass) : Admittedly, the petitioner had no B.Ed. degree on the date of her alleged Recruitment and that's why the petitioner has no requisite qualification to be appointed as Assistant Teacher. The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

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Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause - v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause - v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

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(Member)

OBSERVATION


Sk. Injamamul Hoque, Assistant Teacher, Pure Science (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

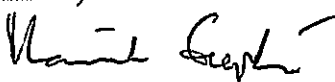
The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

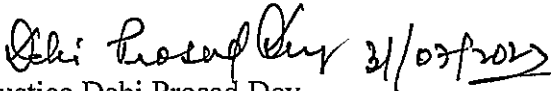
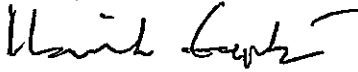
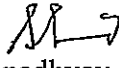
Md. Lichu Seikh, Assistant Teacher, Bengali (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

-  31/07/2023
1. Justice Debi Prosad Dey
(Chairman)
-  31/07/2023
2. Shri Manish Gupta
(Member)
-  31/7/2023
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION


Riaz Kajal, Assistant Teacher, Work Education (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

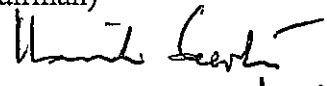
The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

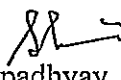
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


1. Justice Debi Prosad Dey
(Chairman)

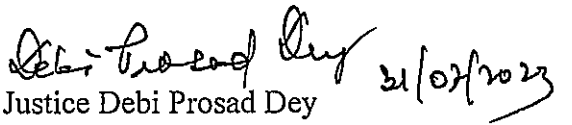

2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

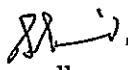
OBSERVATION

Sohel Rana, Group – C (Clerk) : Admittedly, the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. On the strength of Resolution vide meeting No. 08/A dated 23.05.2018, the Managing Committee decided directly to issue appointment letter in favour of the petitioner in terms of the decision of Hon'ble Supreme Court in case No. 5808/2017 dated 17.05.2018. The petitioner also admitted that he never appeared in written examination and he was appointed as per Hon'ble Supreme Court's order.

Under the circumstances state above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Work Done Certificate issued under the name of the Headmaster and the attendance of the petitioner in a separate Attendance Register would not legalize the Recruitment of the petitioner in accordance with law.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

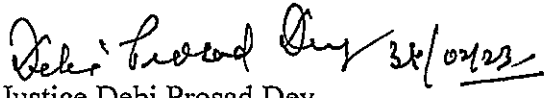

2. Shri Manish Gupta 31/07/2023
(Member)

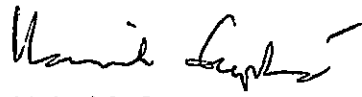

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

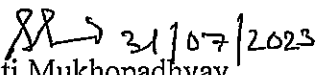
OBSERVATION

Sk. Sahabuddin, Group - 'D' : Admittedly, the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. On the strength of Resolution vide meeting No. 08/A dated 23.05.2018, the Managing Committee decided directly to issue appointment letter in favour of the petitioner in terms of the decision of Hon'ble Supreme Court in case No. 5808/2017 dated 17.05.2018. The petitioner also admitted that he never appeared in written examination and he was appointed as per Hon'ble Supreme Court's order.

Under the circumstances state above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Work Done Certificate issued under the name of the Headmaster and the attendance of the petitioner in a separate Attendance Register would not legalize the Recruitment of the petitioner in accordance with law.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

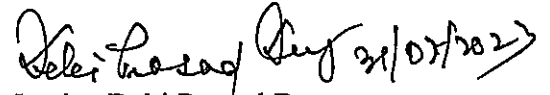

2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

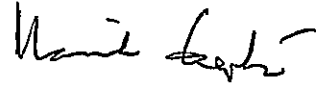
OBSERVATION

Mahammad Ali, Group - D : Admittedly, the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. On the strength of Resolution vide meeting No. 08/A dated 23.05.2018, the Managing Committee decided directly to issue appointment letter in favour of the petitioner in terms of the decision of Hon'ble Supreme Court in case No. 5808/2017 dated 17.05.2018. The petitioner also admitted that he never appeared in written examination and he was appointed as per Hon'ble Supreme Court's order.

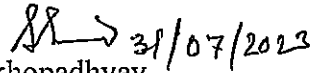
Under the circumstances state above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Work Done Certificate issued under the name of the Headmaster and the attendance of the petitioner in a separate Attendance Register would not legalize the Recruitment of the petitioner in accordance with law.



1. Justice Debi Prosad Dey
(Chairman)



2. Shri Manish Gupta 31/07/2023
(Member)

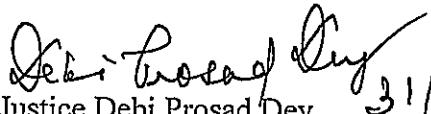


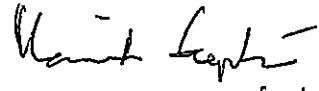
3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

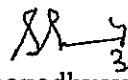
OBSERVATION

Manowara Khatun, Group - D : The Petitioner was not even recruited against any sanctioned post. Admittedly, the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. On the strength of Resolution vide meeting No. 08/A dated 23.05.2018, the Managing Committee decided directly to issue appointment letter in favour of the petitioner in terms of the decision of Hon'ble Supreme Court in case No. 5808/2017 dated 17.05.2018. The petitioner also admitted that he never appeared in written examination and he was appointed as per Hon'ble Supreme Court's order.

Under the circumstances state above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Work Done Certificate issued under the name of the Headmaster and the attendance of the petitioner in a separate Attendance Register would not legalize the Recruitment of the petitioner in accordance with law.

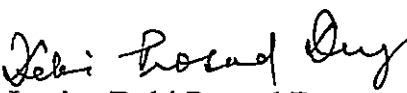

1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

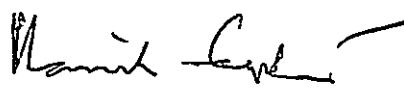

2. Shri Manish Gupta 31/07/2023
(Member)

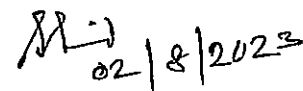

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Md. Mahmud Ashraf, Assistant Teacher, Arabic (H/PG) : The Petitioner is claiming himself to be the Assistant Teacher of Arabic (H/PG), appointed on the strength of resolution dated 15.02.2016. The photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner had no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

OBSERVATION

Md. Raquib Azam, Assistant Teacher, History (H/PG) : The Petitioner is claiming himself to be the Assistant Teacher of History (H/PG), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner had no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

Debi Prosad Dey

1. Justice Debi Prosad Dey *02/08/2023*
(Chairman)

Manish Gupta

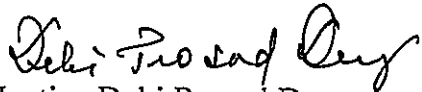
2. Shri Manish Gupta *02/08/2023*
(Member)

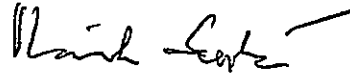
Shri Sripati Mukhopadhyay
02/08/2023

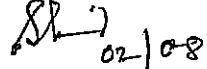
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Anwer Reza, Assistant Teacher, English (H/PG) : The Petitioner is claiming himself to be the Assistant Teacher of English (H/PG), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

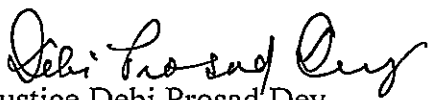

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

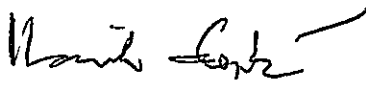

2. Shri Manish Gupta 02/08/2023
(Member)

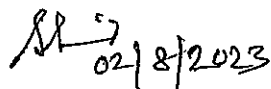

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Abdur Rahman, Assistant Teacher, Math (H/PG) : The Petitioner is claiming himself to be the Assistant Teacher of Math (H/PG), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner had no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

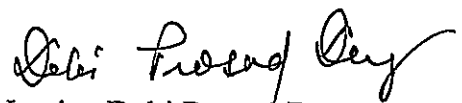

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

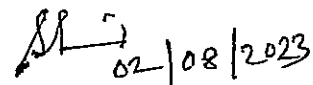
Md. Shams Tabrez, Assistant Teacher, Geography (H/PG) : The Petitioner is claiming himself to be the Assistant Teacher of Geography (H/PG), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.



1. Justice Debi Prosad Dey *02/08/2023*
(Chairman)



2. Shri Manish Gupta *02/08/2023*
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Asgar Alam, Assistant Teacher, Bengali (Pass) : The Petitioner is claiming himself to be the Assistant Teacher of Bengali (Pass), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letter head of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

Debi Prosad Dey

1. Justice Debi Prosad Dey *02/08/2023*
(Chairman)

Manish Gupta

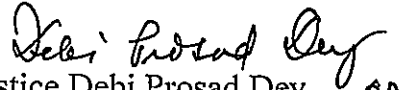
2. Shri Manish Gupta *02/08/2023*
(Member)

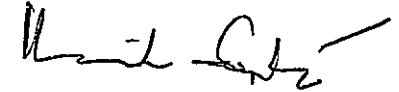
Shri Sripati Mukhopadhyay
02/08/2023

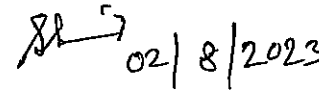
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Haidar Ali, Assistant Teacher, Urdu (H/PG) : The Petitioner is claiming himself to be the Assistant Teacher of Urdu (H/PG), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

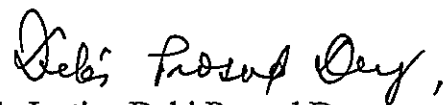

1. Justice Debi Prosad Dey 02/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

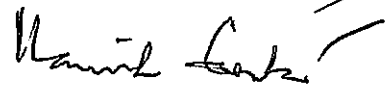
OBSERVATION

Md. Irfan Razi Ansari, Assistant Teacher, Pure Science (Pass) : The Petitioner is claiming himself to be the Assistant Teacher of Pure Science (Pass), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letter head of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.



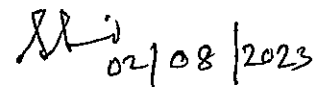
1. Justice Debi Prosad Dey
(Chairman)

02/08/2023



2. Shri Manish Gupta
(Member)

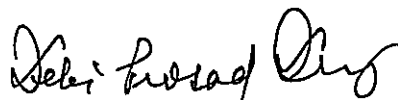
02/08/2023

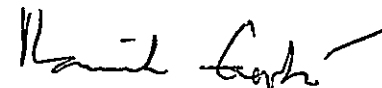


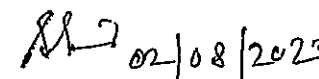
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Jamiruddin, Assistant Teacher, Arabic (Pass) : The Petitioner is claiming himself to be the Assistant Teacher of Arabic (Pass), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

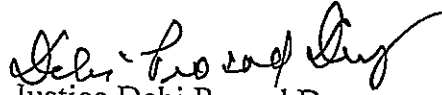

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

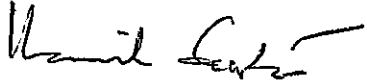

2. Shri Manish Gupta 02/08/2023
(Member)

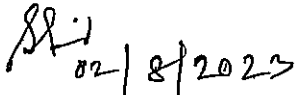

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Laila Anjuman, Assistant Teacher, Bengali (H/PG) : The Petitioner is claiming herself to be the Assistant Teacher of Bengali (H/PG), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

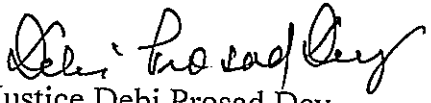

1. Justice Debi Prosad Dey 02/08/2023
(Chairman)

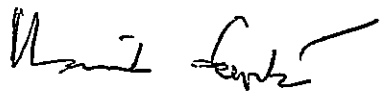

2. Shri Manish Gupta 02/08/2023
(Member)

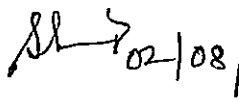

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Tanwer Ashraf, Assistant Teacher, Work Education (Pass) : The Petitioner is claiming himself to be the Assistant Teacher of Work Education (Pass), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

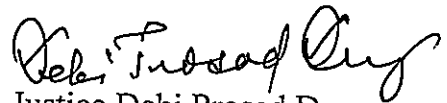

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

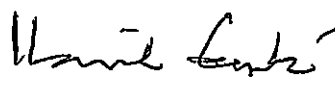

2. Shri Manish Gupta
(Member) 02/08/2023

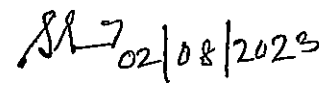

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Rezaul Haque, Assistant Teacher, Pure Science (Pass) : The Petitioner is claiming himself to be the Assistant Teacher of Pure Science (Pass), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

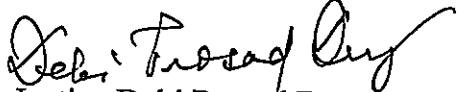

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

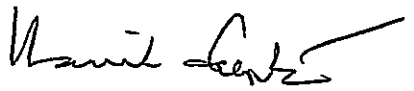

2. Shri Manish Gupta 02/08/2023
(Member)

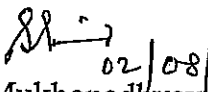

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Arif Hussain, Group – C (Clerk) : The Petitioner is claiming himself to be the Group – C (Clerk), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letter head of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

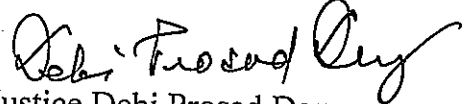

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023



2. Shri Manish Gupta
(Member) 02/08/2023

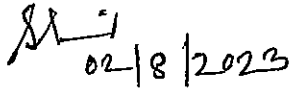

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Md. Sadique Alam, Assistant Teacher, History (Pass) : The Petitioner is claiming himself to be the Assistant Teacher of History (Pass), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Admittedly, the petitioner has no requisite qualification to be recruited as Assistant Teacher. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

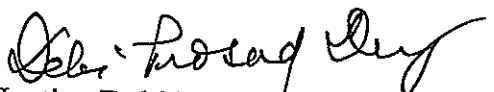

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

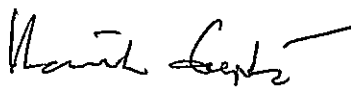

2. Shri Manish Gupta 02/08/2023
(Member)

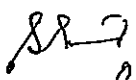

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Ghulam Ansar, Group – C (Clerk) : The Petitioner is claiming himself to be the Group – C (Clerk), appointed on the strength of resolution dated 15.02.2016. The Photostat copies of the Appointment letter, Joining report have been submitted by the Petitioner to establish his claim. The Headmaster Md. Gulam Sahid by producing the original Resolution Book has categorically stated that the Petitioner was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. We also do not find any resolution dated 15.02.2016 in the Resolution Book whereby the Petitioner said to have been appointed. Md. Gulam Sahid, the Headmaster has stated and given in black and white that the Work Done Certificate produced by the Petitioner is fake and fabricated since it does not bear the signature of the Headmaster and it has been prepared on a forged letterhead of the Madrasah. The D.I. of Schools also corroborated the statement of the Headmaster that the petitioner was never recruited following the rules of recruitment. Considering the materials produced by the Petitioner, the Headmaster and the D.I. of Schools of Uttar Dinajpur, we have no hesitation to hold that the petitioner was never recruited following rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the said Madrasah (having no signature in the official Attendance Register). The claim of the Petitioner is false and fabricated.

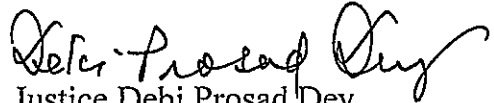

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

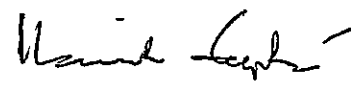

2. Shri Manish Gupta 02/08/2023
(Member)

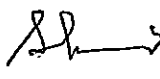

3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

Nasirul Hossain: The claim of the Petitioner that the Petitioner was appointed as Asstt. Teacher Geography (Pass) on temporary basis in terms of Managing Committee Resolution dated 04.04.2016. The Petitioner did not turn up despite receipt of successive notices. Md. Suraj Ali, Teacher-in-Charge of Ghola N.H.M High Madrasah (H.S) has categorically stated that the photo-copy of documents filed by Nasirul Hossain are all false and fabricated and the said documents have been manufactured to substantiate his false claim. He was never appointed following Recruitment Rules and Nasirul Hossain never worked in Ghola N.H.M High Madrasah (H.S). The copy of Resolution filed by Nasirul Hossain revealed that one Kaji Zamiruddin was President but it is the fact that one Kaji Zamiruddin as President but in fact one Hyder Molla was the President of the Madrasah on 04.04.2016. The D.I of Schools corroborated the said contention of the Teacher-in-Charge. In short, it may safely be stated that Nasirul Hossain was never recruited following the Rules of Recruitment and he never worked at Ghola N.H.M High Madrasah (H.S). The claim of Nasirul Hosain is false and fabricated. The Teacher-in-Charge of Ghola N.H.M High Madrasah (H.S) has filed all attested copies of the Resolution, original Attendance Registers of the Madrasah and we do not find any whisper regarding the presence of Nasirul Hossain in such papers.



1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

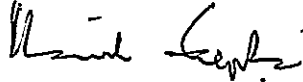

2. Shri Manish Gupta 01/08/2023
(Member)

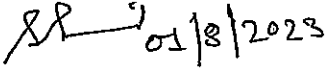

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Shikha Khatun : The claim of the Petitioner that the Petitioner was appointed as Asstt. Teacher English (Pass) on temporary basis in terms of Managing Committee Resolution dated 04.04.2016. The Petitioner did not turn up despite receipt of successive notices. Md. Suraj Ali, Teacher-in-Charge of Ghola N.H.M High Madrasah (H.S) has categorically stated that the photo-copy of documents filed by Shikha Khatun are all false and fabricated and the said documents have been manufactured to substantiate her false claim. She was never appointed following Recruitment Rules and Shikha Khatun never worked in Ghola N.H.M High Madrasah (H.S). The copy of Resolution filed by Shikha Khatun revealed that one Kaji Zamiruddin was President but it is the fact that one Kaji Zamiruddin as President but in fact one Hyder Molla was the President of the Madrasah on 04.04.2016. The D.I of Schools, Murshidabad corroborated the said contention of the Teacher-in-Charge. In short, it may safely be stated that Shikha Khatun was never recruited following the Rules of Recruitment and she never worked at Ghola N.H.M High Madrasah (H.S). The claim of Shikha Khatun is false and fabricated. The Teacher-in-Charge of Ghola N.H.M High Madrasah (H.S) has filed all attested copies of the Resolution, original Attendance Registers of the Madrasah and we do not find any whisper regarding the presence of Shikha Khatun in such papers.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

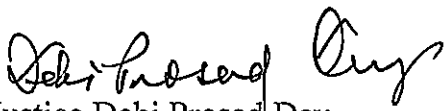

2. Shri Manish Gupta 01/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

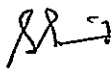
OBSERVATION

Sabina Yasmin :The claim of the Petitioner that the Petitioner was appointed as Group-D employee on temporary basis in terms of Managing Committee Resolution dated 04.04.2016. The Petitioner did not turn up despite receipt of successive notices. Md. Suraj Ali, Teacher-in-Charge of Ghola N.H.M High Madrasah (H.S) has categorically stated that the photo-copy of documents filed by Sabina Yasmin are all false and fabricated and the said documents have been manufactured to substantiate her false claim. She was never appointed following Recruitment Rules and Sabina Yasmin never worked in Ghola N.H.M High Madrasah (H.S). The copy of Resolution filed by Sabina Yasmin revealed that one Kaji Zamiruddin was President but it is the fact that one Hyder Molla was the President of the Madrasah on 04.04.2016. The D.I of Schools, Murshidabad corroborated the said contention of the Group-D employee.

In short, it may safely be stated that Sabina Yasmin was never recruited following the Rules of Recruitment and she never worked at Ghola N.H.M High Madrasah (H.S). The claim of Sabina Yasmin is false and fabricated. The Teacher-in-Charge of Ghola N.H.M High Madrasah (H.S) has filed all attested copies of the Resolution, original Attendance Registers of the Madrasah and we do not find any whisper regarding the presence of Sabina Yasmin in such papers.

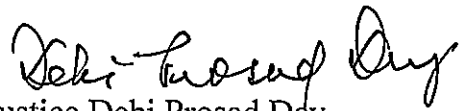

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

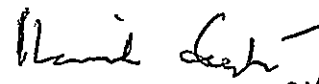

2. Shri Manish Gupta
(Member) 01/08/2023

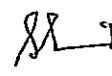

3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

OBSERVATION

Mst. Bulti Khatun : The claim of the Petitioner that the Petitioner was appointed as Group-D employee on temporary basis in terms of Managing Committee Resolution dated 04.04.2016. The Petitioner did not turn up despite receipt of successive notices. Md. Suraj Ali, Teacher-in-Charge of Ghola N.H.M High Madrasah (H.S) has categorically stated that the photo-copy of documents filed by Mst. Bulti Khatun are all false and fabricated and the said documents have been manufactured to substantiate her false claim. She was never appointed following Recruitment Rules and Mst. Bulti Khatun never worked in Ghola N.H.M High Madrasah (H.S). The copy of Resolution filed by Sabina Yasmin revealed that one Kaji Zamiruddin was President but it is the fact that one Kazi Zamiruddin was President but in fact one Hyder Molla was the President of the Madrasah on 04.04.2016. The D.I of Schools, Murshidabad corroborated the said contention of the Group-D employee. In short, it may safely be stated that Mst. Bulti Khatun was never recruited following the Rules of Recruitment and she never worked at Ghola N.H.M High Madrasah (H.S). The claim of Mst. Bulti Khatun is false and fabricated. The Teacher-in-Charge of Ghola N.H.M High Madrasah (H.S) has filed all attested copies of the Resolution, original Attendance Registers of the Madrasah and we do not find any whisper regarding the presence of Mst. Bulti Khatun in such papers.

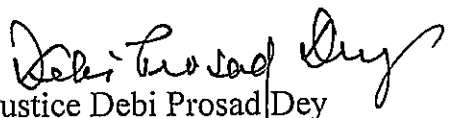

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

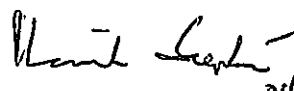

2. Shri Manish Gupta
(Member) 01/08/2023

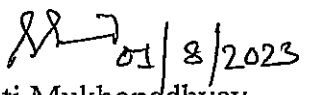

3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

OBSERVATION

Md. Bush Sk :The claim of the Petitioner himself to be Group-D employee of Ghola N.H.M High Madrasah (H.S). As per his appointment letter he was appointed on 13.07.2017 and from 25.07.2017 on temporary basis in terms of the Resolution adopted by the Managing Committee dated 13.07.2017. The original Resolution Book of Managing Committee does not reveal any such Resolution dated 13.07.2017. The Teacher-in-Charge, Md. Suraj Ali of Ghola N.H.M High Madrasah (H.S) has categorically stated that photocopies of the documents filed by Md. Bush Sk are all false and fabricated. Such documents have been manufactured for the purpose of production before this Committee. Md. Bush Sk. was never recruited following Rules of Recruitment memo no. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never worked in Ghola N.H.M High Madrasah (H.S) as Group-D employee. The Teacher-in-Charge, Md. Suraj Ali of Ghola N.H.M High Madrasah (H.S) has produced all the Attendance Registers, Resolution Book of the Managing Committee and all other documents to justify his statement. We do not find any trace of Md. Bush Sk in such documents of Ghola N.H.M High Madrasah (H.S).

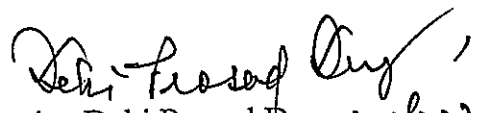

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

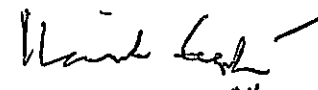

2. Shri Manish Gupta 01/08/2023
(Member)

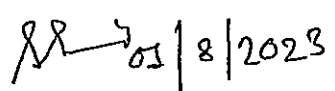

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Samir Hoosain :The Petitioner claimed to be a Group-D employee of Ghola N.H.M High Madrasah (H.S). As per his appointment letter he was appointed on 06.04.2017 on and from 18.04.2016 on temporary basis in terms of the Resolution adopted by the Managing Committee dated 13.07.2017. The original Resolution Book of Managing Committee does not reveal any such Resolution dated 13.07.2017. The Teacher-in-Charge, Md. Suraj Ali of Ghola N.H.M High Madrasah (H.S) has categorically stated that photo-copies of the documents filed by Md. Samir Hoosain are all false and fabricated. Such documents have been manufactured for the purpose of production before this Committee. Md. Samir Hoosain was never recruited following Rules of Recruitment memo no. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never worked in Ghola N.H.M High Madrasah (H.S) as Group-D employee. The Teacher-in-Charge, Md. Suraj Ali of Ghola N.H.M High Madrasah (H.S) has produced all the Attendance Registers, Resolution Book of the Managing Committee and all other documents to justify his statement. We do not find any trace of Md. Samir Hoosain in such documents of Ghola N.H.M High Madrasah (H.S).

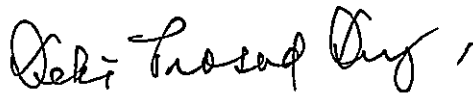

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023



2. Shri Manish Gupta
(Member) 01/08/2023

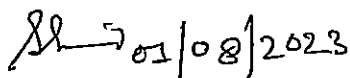

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Sk. Abdullah : The Petitioner claimed himself to be Group-D employee of Ghola N.H.M High Madrasah (H.S). As per his appointment letter he was appointed on 06.04.2017 on and from 25.07.2017 on temporary basis in terms of the Resolution adopted by the Managing Committee dated 13.07.2017. The original Resolution Book of Managing Committee does not reveal any such Resolution dated 13.07.2017. The Teacher-in-Charge, Md. Suraj Ali of Ghola N.H.M High Madrasah (H.S) has categorically stated that photo-copies of the documents filed by Sk. Abdullah are all false and fabricated. Such documents have been manufactured for the purpose of production before this Committee. Sk. Abdullah was never recruited following Rules of Recruitment memo no. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never worked in Ghola N.H.M High Madrasah (H.S) as Group-D employee. The Teacher-in-Charge, Md. Suraj Ali of Ghola N.H.M High Madrasah (H.S) has produced all the Attendance Registers, Resolution Book of the Managing Committee and all other documents to justify his statement. We do not find any trace of Sk. Abdullah in such documents of Ghola N.H.M High Madrasah (H.S).

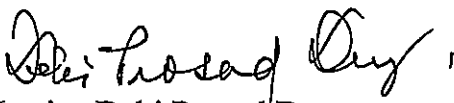

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

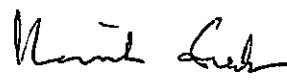

2. Shri Manish Gupta 01/08/2023
(Member)

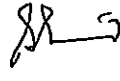

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Mehedi Hasan : The Petitioner claimed himself to be an Asstt. Teacher Bengali (Pass) of Ghola N.H.M High Madrasah (H.S). As per his appointment letter he was appointed on 06.04.2017 on and from 18.04.2016 on temporary basis in terms of the Resolution adopted by the Managing Committee dated 13.07.2017. The original Resolution Book of Managing Committee does not reveal any such Resolution dated 13.07.2017. The Teacher-in-Charge, Md. Suraj Ali of Ghola N.H.M High Madrasah (H.S) has categorically stated that photo-copies of the documents filed by Md. Mehedi Hasan are all false and fabricated. Such documents have been manufactured for the purpose of production before this Committee. Mehedi Hasan was never recruited following Rules of Recruitment memo no. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never worked in Ghola N.H.M High Madrasah (H.S) as Asstt. Teacher Bengali (Pass). The Teacher-in-Charge, Md. Suraj Ali of Ghola N.H.M High Madrasah (H.S) has produced all the Attendance Registers, Resolution Book of the Managing Committee and all other documents to justify his statement. We do not find any trace of Mehedi Hasan in such documents of Ghola N.H.M High Madrasah (H.S).

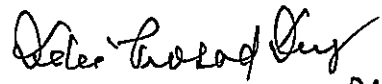

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)

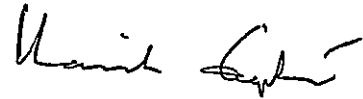

3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

OBSERVATION

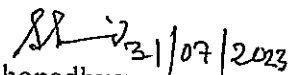
Anisha Parven, Asstt. Teacher Bengali (H/PG) Anisha Parven Asstt. Teacher Bengali (H/PG) in Hasnecha Islamia Siddiquia Sr. Madrasah, 24 Pgs. South had no requisite qualification to be appointed as Asstt. Teacher for not having no B.Ed degree on the date of her alleged appointment. Md. Mozaffar Hossain Molla, Superintendent of Hasnecha Islamia Siddiquia Sr. Madrasah and Sujit Maity, D.I of Schools, South 24 Pgs have unequivocally stated that Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 were never followed in the alleged recruitment of Anisha Parven as Asstt. Teacher Bengali. Resolution no. 9/15 dated 08.12.2015 of the said Madrasah also reveals that the incumbent was directly appointed without following the Rules of Recruitment. Admittedly, Anisha Parven did not put her signature in the official Attendance Register till 2020. But thereafter the Superintendent permitted her to sign in the official Attendance Register. It is apparent from the statement of Md. Mozaffar Hossain Molla that he had also appointed his son Md. Ashbaul Haque Molla alongwith the incumbent and other persons. That clearly goes to show that Md. Mozaffar Hossain Molla is directly responsible for the illegal appointments in order to accommodate his son, Md. Ashbaul Haque Molla. On that score, the Work Done Certificate also does not bear much importance to establish that Anisha Parven has been working since alleged date of her appointment. There was no permanent vacancy of Assistant Teacher Bengali on the date of alleged appointment of Anisha Parven. She was never appointed following Recruitment Rules and never worked as a legally recruited teacher.



1. Justice Debi Prosad Dey 31/07/2027
(Chairman)



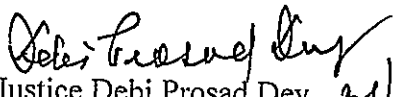
2. Shri Manish Gupta 31/07/2023
(Member)

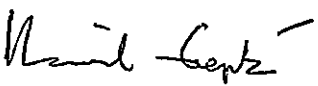



3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Md. Nazimuddin Molla, Asstt. Teacher Bengali (Pass) in Hasnecha Islamia Siddiquia Sr. Madrasah, 24 Pgs South. He had no B.Ed Degree on the date of his alleged appointment and that goes to show that he had no requisite qualification to be appointed as Asstt. Teacher. He could not say about the papers submitted on his behalf in his representation since the said papers were prepared by the Ld. Advocate. The statement of Nazimuddin Molla coupled with the statement of Sujit Kumar Maity, D.I of Schools and Md. Mozaffar Hossain Molla, Superintendent of Hasnecha Islamia Siddiquia Sr. Madrasah clearly show that the alleged appointment of Md. Nazimuddin Molla was made on the basis of Meeting No. 9/15 dated 08/12/2015 of the Managing Committee without following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. Md. Mozaffar Hossain Molla simultaneously gave appointment of his son Md. Ashbaul Haque Molla and he has in all probability, prepared the Work Done Certificate and other documents only in order to accommodate his son, Md. Ashbaul Haque Molla. In such circumstances the signature on separate Attendance Register or the Work Done Certificate issued by Md. Nazimuddin Molla pale into insignificance.

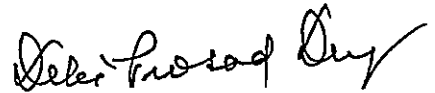

1. Justice Debi Prosad Dey 31/02/2023
(Chairman)


2. Shri Manish Gupta 31/02/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

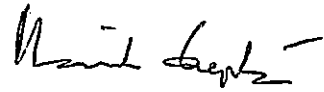
OBSERVATION

Fazlul Haque Mollick, Group-C. He was given appointment on the strength of Meeting No. 9/15 dated 08/12/2015 of the Managing Committee without following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The said fact has been admitted by Md. Mozaffar Hossain Molla, Superintendent of Hasnecha Islamia Siddiquia Sr. Madrasah and Sujit Kumar Maity, D.I of Schools by filing a report to that effect. Md. Mozaffar Hossain Molla also provided job to his son, Md. AshbaulHoque Molla and that is why he has connived with the petitioner in preparation of separate Attendance Register and the Work Done Certificate. Under such circumstances the Work Done Certificate granted by Superintendent Pales into insignificance. He was never recruited following Rules of Recruitment and never worked in the Madrasah.



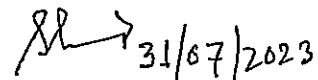
1. Justice Debi Prosad Dey
(Chairman)

31/07/2023



2. Shri Manish Gupta
(Member)

31/07/2023

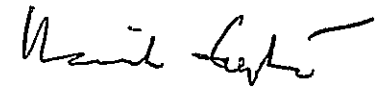


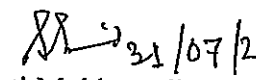
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Abu Hasim Khan, Asstt. Teacher Islamic History (H/PG). Having no B.Ed Degree was given appointment on the strength of Meeting No. 9/15 dated 08/12/2015 without following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. He had no requisite qualification to be appointed as Assistant Teacher. Abu Hasim Khan is a resident of Village Sasagaria which is 150 km away from the concerned Madrasah. The Superintendent of the Madrasah accommodated his son alongwith the petitioner without following the Rules of Recruitment and Work Done Certificate granted by him pales into insignificance and appears to be a doubtful document. D.I of Schools South 24 Pgs, Sujit Kumar Maity also corroborated that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 were not complied with the direct appointment of Md. Abu Hasim Khan. He was never recruited following Rules of Recruitment and never worked in the Madrasah.

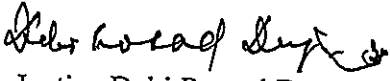

1. Justice Debi Prosad Dey 31/07/2023
(Chairman)



2. Shri Manish Gupta 31/07/2023
(Member)

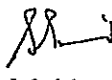

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Md. Ashbaul Hoque Molla, UG General. He is the son of Md. Mozaffar Hossain Molla, Superintendent of Hasnecha Islamia Siddiquia Sr. Madrasah. Md. Ashbaul Hoque Molla is the son of the Superintendent of Hasnecha Islamia Siddiquia Sr. Madrasah and he was appointed on the strength of Meeting No. 9/15 dated 08/12/2015 of the Managing Committee without following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and having no requisite qualification on the date of his alleged appointment (having no D.L.Ed degree on that date). The Superintendent, Md. Mozaffar Hossain Molla being father of the Petitioner has recruited him without having requisite qualification and without following the Rules of Recruitment along with other petitioners, that clearly goes to show that all the documents produced by Md. Ashbaul Hoque Molla have been prepared in direct connivance of his father having no probative value to consider. He was never recruited following Rules of Recruitment and never worked as Asstt. Teacher.

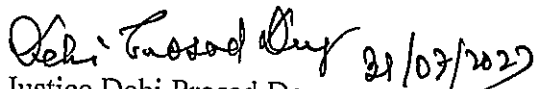

1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

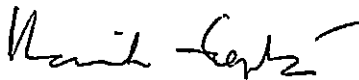

2. Shri Manish Gupta 31/07/2023
(Member)

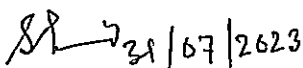

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Sayed Mafijul Ali, Asstt. Teacher Geography (H/PG). Having no requisite qualification (for not having B.Ed Degree) was given appointment on the basis of Meeting No. 9/15 dated 08/12/2015 of the Resolution of the Managing Committee without following the Recruitment Rules being No. 93-SE/S/10R-14/2013 dated 09/02/2015. He was also recruited alongwith the son of Superintendent without having requisite qualification and without following the Rules of Recruitment. The Work Done Certificate and other documents issued by the Superintendent of such Madrasah appears to be doubtful and cannot be relied on. D.I. of Schools also corroborated that Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 never recruited following Rules of Recruitment in the alleged appointment of Sayed Mafijul Ali and he never worked as Asstt. Teacher Geography (H/PG).


1. Justice Debi Prosad Dey 21/07/2022
(Chairman)


2. Shri Manish Gupta 31/08/2022
(Member)


3. Shri Sripati Mukhopadhyay 21/07/2023
(Member)

OBSERVATION

Sk. Abdulla Al Faruque, Asstt. Teacher Bengali(H/PG). Having no requisite qualification (less than 50% in Graduation and no B.Ed Degree) he was given appointment on the strength of Meeting No. 9./15 dated 08/12/2015 of the Managing Committee without following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The D.I. of Schools corroborated that the appointment of Sk. Abdulla Al Faruque was not made following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The Superintendent also gave appointment to his son, Md. Ashbaul Hoque Molla having no requisite qualification and that goes to show that the Work Done Certificate issued by the Superintendent appears to be concocted, in order to support the son of the Superintendent. The Superintendent thereby intentionally allowed them to sign on the official Attendance Register to legalise their appointment. The document filed by the Petitioner signed by the Superintendent cannot be relied on. He was not recruited following Rules of Recruitment and his presence in the Madrasah is also doubtful.

Debi Prosad Dey

1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

Manish Gupta

2. Shri Manish Gupta 31/07/2023
(Member)

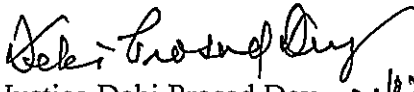
Sripati Mukhopadhyay 31/07/2023

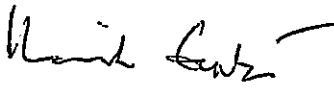
3. Shri Sripati Mukhopadhyay
(Member)

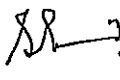
OBSERVATION

Sahana Khatun (Begam) Asstt. Teacher English (H/PG). Having no requisite qualification (less than 50% in aggregate) was given appointment on the strength of Meeting No. 9/15 dated 08/12/2015 of the Managing Committee without following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 which has been corroborated by the Superintendent of Madrasah and D.I. of Schools, South 24 Pgs. The Superintendent gave appointment to his son Ashbaul Hoque Molla having no requisite qualification and therefore the papers/documents submitted on behalf of the petitioner signed by the Superintendent cannot be relied on. Superintendent intentionally permitted the petitioner to sign in the Attendance Register on and from 2020 without having any approval of their service. That clearly reveals that the Work Done Certificate issued by the Superintendent is a result of connivance and conspiracy between them.

She was never recruited following Rules of Recruitment and she never worked in the Madrasah as per her claim.

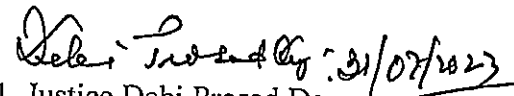

1. Justice Debi Prosad Dey 21/07/2023
(Chairman)


2. Shri Manish Gupta 21/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 21/07/2023
(Member)

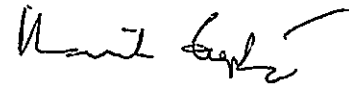
OBSERVATION

Situma Tajrin, Asstt. Teacher English (H/PG). She had no Post Graduate Degree or B.Ed Degree at the time of her alleged appointment. She had obtained 43.75% in her B.A examination. She was given appointment as per Resolution meeting No. 9/15 dated 08/12/2015 without following the Rules of Recruitment and having no requisite qualification. The said fact has been corroborated by the Superintendent of Madrasah and D.I. of Schools, South 24 Pgs. The Superintendent also accommodate his son having no requisite qualification alongwith the petitioner as Asstt. Teacher of English (H/PG) and thereby issued such Work Done Certificate and other documents in favour of the petitioner as a desperate attempt to legalise her appointment. It may be stated that Situma Tajrin having no requisite qualification was given appointment without following the Recruitment Rules being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and the documents filed by her cannot be relied on for the reasons stated above. She was never recruited following Recruitment Rules and she never worked in the Madrasah.

 31/07/2023

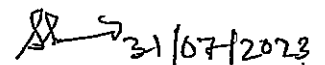
1. Justice Debi Prosad Dey

(Chairman)



2. Shri Manish Gupta 31/07/2023

(Member)

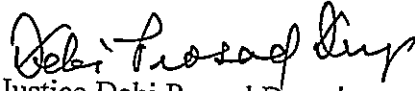
 31/07/2023

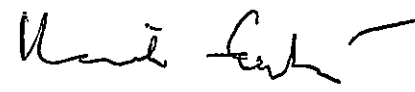
3. Shri Sripati Mukhopadhyay

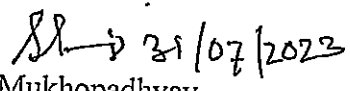
(Member)

OBSERVATION

Sahina Yeamin, Asstt. Teacher Math (H/PG). Having no requisite qualification (no B.Ed degree on the date of alleged appointment) she was appointed on the strength of Resolution Meeting No. 9/2015 dated 08/12/2015 along with the son of the Superintendent without following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The Superintendent and the D.I. of Schools also corroborated that she was never recruited following Rules of Recruitment. The Superintendent of the Madrasah having interest in the appointment of his son has issued such Work Done Certificate and allowed the petitioner to sign on the Attendance Register. In such circumstances the Work Done Certificate and other documents filed by the petitioner cannot be relied on.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Md. Ilias Sarif Molla, Group-C (Clerk):- The petitioner is claiming himself to be appointed as Group-C (Clerk) as per special meeting no. 2 dated 15/02/2016 of the Managing Committee of the Madrasah and he has been working in the Madrasah since 18/02/2016. On scrutiny of the original Resolution Book, we do not find any such Resolution as mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster did not grant any Work Done Certificate to the petitioner. The ADI, Basirhat, has specifically stated that the petitioner was never appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Attendance Register produced by the petitioner also does not bear the signature of the Headmaster or any competent authority of such Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner, Md. Ilias Sarif Molla was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never attended the Madrasah.

Debi Prosad Dey

1) Justice Debi Prosad Dey
(Chairman) 02/08/2023

Manish Gupta

2) Shri Manish Gupta
(Member) 02/08/2023

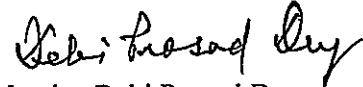
Sri Sripati Mukhopadhyay

3) Shri Sripati Mukhopadhyay
(Member)

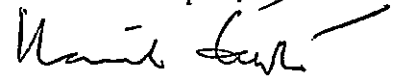
OBSERVATION

Gour Pada Mandal, Asst. Teacher, Bengali (Pass):- The petitioner, Gour Pada Mandal, having no requisite qualification, to be appointed as Assistant Teacher of Bengali (Pass) of Kederia High Madrasah, North 24 Parganas, is claiming himself that as per Special meeting being no. KHM/D/SPL-01A/2016 dated 15/21/2016 of the Managing Committee of the Madrasah, he joined in the Madrasah on 15/02/2016. On scrutiny of the Resolution Book of the Managing Committee of the Madrasah, we do not find any such Resolution dated 15/02/2016. On the strength of such meeting, the petitioner was appointed as Assistant Teacher of the Madrasah. The ADI, Basirhat, has specifically stated that no intimation was given to the office of the ADI, Basirhat about the alleged initiation of recruitment process or recruitment of the petitioner as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. Md. Jahangir Alam, the Headmaster of Kaderia High Madrasah, North 24 Parganas, also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. In fact, the post of the Assistant Teacher remained vacant and on 24/05/2018 Resolution was adopted there for the appointment of sixteen teaching and non-teaching staff from West Bengal Madrasah Service Commission. The Headmaster did not grant any Work Done Certificate to the petitioner. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

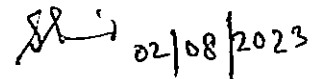
Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.



1) Justice Debi Prosad Dey
(Chairman) 02/08/2023



2) Shri Manish Gupta 02/08/2023
(Member)



3) Shri Sripati Mukhopadhyay
(Member)

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OBSERVATION

Md. Jahangir Gazi, Asst. Teacher, Bengali (H/PG):- The petitioner, Md. Jahangir Gazi, having no requisite qualification, to be appointed as Assistant Teacher of Bengali of Kederia High Madrasah, North 24 Parganas, is claiming himself that as per Special meeting being no. KHM/D/SPL-01A/2016 dated 15/21/2016 of the Managing Committee of the Madrasah, he joined in the Madrasah on 15/02/2016. On scrutiny of the Resolution Book of the Managing Committee of the Madrasah, we do not find any such Resolution dated 15/02/2016. On the strength of such meeting, the petitioner was appointed as Assistant Teacher of the Madrasah. The ADI, Basirhat, has specifically stated that no intimation was given to the office of the ADI, Basirhat about the alleged initiation of recruitment process or recruitment of the petitioner as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. Md. Jahangir Alam, the Headmaster of Kaderia High Madrasah, North 24 Parganas, also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. In fact, the post of the Assistant Teacher remained vacant and on 24/05/2018 Resolution was adopted there for the appointment of sixteen teaching and non-teaching staff from West Bengal Madrasah Service Commission. The Headmaster did not grant any Work Done Certificate to the petitioner. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.

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Debi Prosad Dey
1) Justice Debi Prosad Dey
(Chairman) 02/08/2023

Manish Gupta
2) Shri Manish Gupta 02/08/2023
(Member)

Sripati Mukhopadhyay
3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Chhabir Ali Mondal, Asst. Teacher, English (H/PG):- The petitioner, Chhabir Ali Mondal, Assistant Teacher of Kaderia High Madrasah, North 24 Parganas, is claiming himself to be appointed as Assistant Teacher as per special meeting no. KHM/D/SPL-01A/2016 dated 15/02/2016 of the Managing Committee of the Madrasah and he has been working in the Madrasah since 18/02/2016. On scrutiny of the original Resolution Book, we do not find any such Resolution as mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster did not grant any Work Done Certificate to the petitioner. The ADI, Basirhat, has specifically stated that the petitioner was never appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Attendance Register produced by the petitioner also does not bear the signature of the Headmaster or any competent authority of such Madrasah.

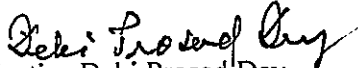
Under the circumstances stated above, we have no hesitation to say that the petitioner, Chhabir Ali Mondal was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never attended the Madrasah.


- Debi Prosad Dey*
1) Justice Debi Prosad Dey 02/08/2023
(Chairman)
- Manish Gupta*
2) Shri Manish Gupta 02/08/2023
(Member)
- Sri Sripati Mukhopadhyay*
4) Shri Sripati Mukhopadhyay
(Member)

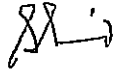
OBSERVATION

Abu Bakkar Gazi, Asst. Teacher, English (Pass):- The petitioner, Abu Bakkar Gazi, Assistant Teacher of Kaderia High Madrasah, North 24 Parganas, is claiming himself to be appointed as Assistant Teacher as per special meeting no. KHM/D/SPL-01A/2016 dated 15/02/2016 of the Managing Committee of the Madrasah and he has been working in the Madrasah since 18/02/2016. The petitioner is entitled to get 5% relaxation in marks for being OBC candidate and that's why, that the petitioner obtained 47% in aggregate in his B.A. examination, yet he is qualified to be appointed as Assistant Teacher of English of Kaderia High Madrasah. On scrutiny of the original Resolution Book, we do not find any such Resolution as mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster did not grant any Work Done Certificate to the petitioner. The ADI, Basirhat, has specifically stated that the petitioner was never appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Attendance Register produced by the petitioner also does not bear the signature of the Headmaster or any competent authority of such Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner, Abu Bakkar Gazi was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never attended the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 02/08/2023


2) Shri Manish Gupta
(Member) 02/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

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OBSERVATION

Abdur Razzak Gazi, Asst. Teacher, History (H/PG):- The petitioner is claiming himself to be appointed as Assistant Teacher as per special meeting no. KHM/D/SPL-01A/2016 dated 15/02/2016 of the Managing Committee of the Madrasah and he has been working in the Madrasah since 18/02/2016. On scrutiny of the original Resolution Book, we do not find any such Resolution as mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster did not grant any Work Done Certificate to the petitioner. The ADI, Basirhat, has specifically stated that the petitioner was never appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Attendance Register produced by the petitioner also does not bear the signature of the Headmaster or any competent authority of such Madrasah.

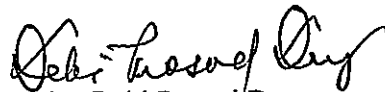
Under the circumstances stated above, we have no hesitation to say that the petitioner, Abdur Razzak Gazi was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never attended the Madrasah.

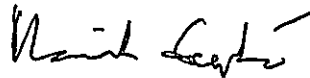
- Debi Prasad Dey*
1) Justice Debi Prasad Dey
(Chairman) 02/08/2023
- Manish Gupta*
2) Shri Manish Gupta
(Member) 02/08/2023
- Shri Sripati Mukhopadhyay*
3) Shri Sripati Mukhopadhyay
(Member) 02/08/23

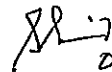
OBSERVATION

Somnath Biswas, Asst. Teacher, History (Pass):- The petitioner is claiming himself to be appointed as Assistant Teacher as per special meeting no. KHM/D/SPL-01A/2016 dated 15/02/2016 of the Managing Committee of the Madrasah and he has been working in the Madrasah since 18/02/2016. On scrutiny of the original Resolution Book, we do not find any such Resolution as mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster did not grant any Work Done Certificate to the petitioner. The ADI, Basirhat, has specifically stated that the petitioner was never appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Attendance Register produced by the petitioner also does not bear the signature of the Headmaster or any competent authority of such Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner, Somnath Biswas was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never attended the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 02/08/2023


2) Shri Manish Gupta 02/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Soma Biswas, Asst. Teacher, Bengali (Pass):- The petitioner is claiming herself to be appointed as Assistant Teacher as per special meeting no. KHM/D/SPL-01A/2016 dated 15/02/2016 of the Managing Committee of the Madrasah and she has been working in the Madrasah since 18/02/2016. The petitioner is entitled to get 5% relaxation in marks for being SC candidate and that's why, that the petitioner obtained 45.2% in aggregate in her B.A. examination, yet she is qualified to be appointed as Assistant Teacher of Bengali of Kaderia High Madrasah. On scrutiny of the original Resolution Book, we do not find any such Resolution as mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster did not grant any Work Done Certificate to the petitioner. The ADI, Basirhat, has specifically stated that the petitioner was never appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Attendance Register produced by the petitioner also does not bear the signature of the Headmaster or any competent authority of such Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner, Soma Biswas was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never attended the Madrasah.

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Debi Prosad Dey
1) Justice Debi Prosad Dey
(Chairman) 02/08/2023

Manish Gupta
2) Shri Manish Gupta 02/08/2023
(Member)

Sri Mukhopadhyay
3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Md. Shahawaz Molla, Asst. Teacher, English (H/PG):- The petitioner. is claiming himself to be appointed as Assistant Teacher as per special meeting no. 2 dated 15/02/2016 of the Managing Committee of the Madrasah and he has been working in the Madrasah since 18/02/2016. On scrutiny of the original Resolution Book, we do not find any such Resolution as mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster did not grant any Work Done Certificate to the petitioner. The ADI, Basirhat, has specifically stated that the petitioner was never appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Attendance Register produced by the petitioner also does not bear the signature of the Headmaster or any competent authority of such Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner, Md. Shahnawaz Molla was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never attended the Madrasah.

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1) Justice Debi Prosad Dey
(Chairman) 02/08/2023

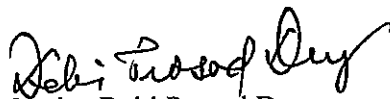
2) Shri Manish Gupta 02/08/2023
(Member)

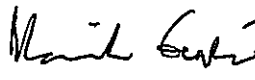
3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

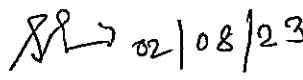
OBSERVATION

Rupa Khatun, Group-D:- The petitioner is claiming herself to be appointed as Group 'D' as per special meeting no. 2 dated 15/02/2016 of the Managing Committee of the Madrasah and she has been working in the Madrasah since 18/02/2016. On scrutiny of the original Resolution Book, we do not find any such Resolution as mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster did not grant any Work Done Certificate to the petitioner. The ADI, Basirhat, has specifically stated that the petitioner was never appointed following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The copy of Attendance Register produced by the petitioner also does not bear the signature of the Headmaster or any competent authority of such Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner, Rupa Khatun was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never attended the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 02/08/2023

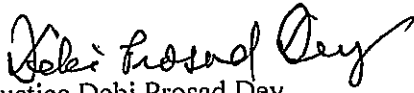

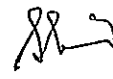

2) Shri Manish Gupta 02/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Firuzuddin Ahammed, Asst. Teacher, Arabic (H/PG):- The petitioner, Firuzuddin Ahammed, having no requisite qualification, to be appointed as Assistant Teacher of Arabic of Kaderia High Madrasah, North 24 Parganas, is claiming himself that as per Special meeting being no. 2 dated 15/02/2016 of the Managing Committee of the Madrasah, he joined in the Madrasah on 15/02/2016. On scrutiny of the Resolution Book of the Managing Committee of the Madrasah, we do not find any such Resolution dated 15/02/2016. On the strength of such meeting, the petitioner was appointed as Assistant Teacher of the Madrasah. The ADI, Basirhat, has specifically stated that no intimation was given to the office of the ADI, Basirhat about the alleged initiation of recruitment process or recruitment of the petitioner as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. Md. Jahangir Alam, the Headmaster of Kaderia High Madrasah, North 24 Parganas, also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. In fact, the post of the Assistant Teacher remained vacant and on 24/05/2018 Resolution was adopted there for the appointment of sixteen teaching and non-teaching staff from West Bengal Madrasah Service Commission. The Headmaster did not grant any Work Done Certificate to the petitioner. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.

- 
1) Justice Debi Prosad Dey
(Chairman) 02/08/2023
- 
2) Shri Manish Gupta 02/08/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Habiba Khatun, Asst. Teacher, Math (H/PG):- The petitioner, Habiba Khatun, having no requisite qualification, to be appointed as Assistant Teacher of Math of Kederia High Madrasah, North 24 Parganas, is claiming that as per Special meeting being no. KHM/D/SPL-01A/2016 dated 15/21/2016 of the Managing Committee of the Madrasah, she joined in the Madrasah on 15/02/2016. The petitioner, having no combination of Mathematics in her B.Sc. examination and have no requisite qualification to be appointed as Assistant Teacher of the Madrasah. On scrutiny of the Resolution Book of the Managing Committee of the Madrasah, we do not find any such Resolution dated 15/02/2016. On the strength of such meeting, the petitioner was appointed as Assistant Teacher of the Madrasah. The ADI, Basirhat, has specifically stated that no intimation was given to the office of the ADI, Basirhat about the alleged initiation of recruitment process or recruitment of the petitioner as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. Md. Jahangir Alam, the Headmaster of Kaderia High Madrasah, North 24 Parganas, also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. In fact, the post of the Assistant Teacher remained vacant and on 24/05/2018 Resolution was adopted there for the appointment of sixteen teaching and non-teaching staffs from West Bengal Madrasah Service Commission. The Headmaster did not grant any Work Done Certificate to the petitioner. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah.

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1) Justice Debi Prosad Dey
(Chairman) 02/08/2023

2) Shri Manish Gupta
(Member) 02/08/2023

3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Safikul islam Dhali, Assistant Teacher Arabic (H/PG): Except photocopies of the appointment letter, joining letter and the Work Done Certificate issued by the Secretary. the petitioner could not produce any document to show that he was recruited as Assistant Teacher Arabic (H/PG).

On the strength of Special Meeting No. KHM/D/SPL-01A/2018 dated 10.03.2018, the petitioner is claiming that he was recruited by the Managing Committee.


On scrutiny of the Resolution Book of the Managing Committee, we do not find any such Resolution, as has been mentioned in the appointment letter of the petitioner. The Headmaster specifically stated that there is no signature of the petitioner in the official Attendance Register and he never worked in any capacity in the Madrasah. The A.D.I, Basirhat also corroborated the Headmaster.

The Work Done Certificate issued by the Secretary has had no relevance /importance since there is no signature of the Petitioner in the Official Attendance Register.

Therefore, we are satisfied that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah.



1. Justice Debi Prosad Dey

(Chairman) 31/07/2023



2. Shri Manish Gupta 31/07/2023

(Member)

 31/07/2023


3. Shri SripatiMukhopadhyay

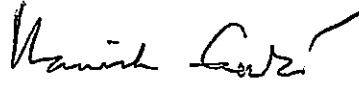
(Member)

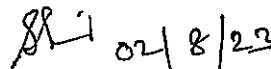
OBSERVATION

Monirul Islam, Assistant Teacher, Bengali (Pass) : The petitioner obtained 43.92% in his B.A. examination and he had no B.Ed. degree. The petitioner is claiming himself as Assistant Teacher appointed by the Madrasah in terms of special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2015 dated 14.12.2015. No Work Done Certificate has been filed on behalf of the petitioner, issued by the Headmaster/Teacher-in-Charge of the Madrasah to show that the petitioner has been working as Assistant Teacher. Abdul Malek, the Teacher-in-Charge of the Madrasah has categorically stated that the petitioner was never appointed following the Rules of Recruitment and there is no such resolution in the original Resolution Book as has been mentioned in the Letter of Appointment of the petitioner. The Teacher-in-Charge also produced the list of approved teachers and the original Attendance Register to show that the claim of the petitioner is false and fabricated. The petitioner is devoid of requisite qualification to be appointed as Assistant Teacher. On scrutiny of the Resolution Book, we do not find any such resolution in the official Resolution Book about alleged appointment of the Petitioner.

Having regard to the documents filed by the Petitioner, the Resolution Book of the Managing Committee and the statement of the D.I. of Schools and his report thereof, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 having no requisite qualification and the Work Done Certificate issued by the Secretary, Managing Committee for the period, when the Madrasah was under the administration of Government administrator, cannot be accepted.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

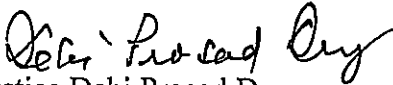

2. Shri Manish Gupta 02/08/2023
(Member)

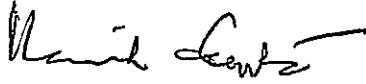

3. Shri Sripati Mukhopadhyay
(Member)

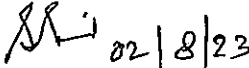
OBSERVATION

Atiqur Rahaman, Group - D : Except the Work Done Certificate, Letter of Appointment and Joining report, the petitioner could not produce any valid documents to show that he was appointed as Group-D employee on 16.12.2015 in terms of special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2015 dated 14.12.2015. On the other hand, we do not find any such resolution in the Resolution Book of the Managing Committee and the signature of the petitioner in the official Attendance Register. The Teacher-in-Charge and the D.I. of Schools (by filing a report) have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah.

Having regard to the documents filed by the petitioner, the Teacher-in-Charge and the D.I. of Schools, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment rules being 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah at any point of time. The claim of the petitioner is false and fabricated.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

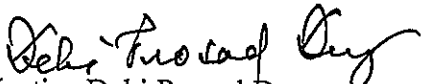

2. Shri Manish Gupta 02/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)


OBSERVATION

Sabbir Ahmed, Assistant Teacher, Theology (Pass) : Sabbir Ahmed is claiming to have been appointed as Assistant Teacher in Arabic/Theology (Pass), recruited as per special meeting no. SPL/01/2019 04.11.2019. The Teacher-in-Charge Abdul Malek has specifically stated that there is no such resolution in the official Resolution Book regarding appointment of the petitioner, the claim of the petitioner is false and fabricated and the petitioner never attended the Madrasah. On scrutiny of the Resolution Book, we also do not find any such resolution being meeting no. SPL/01/2019 04.11.2019. The official Attendance Registers also do not bear the signature of the Petitioner. The D.I. of Schools has also stated that the petitioner was never recruited following the Rules of Recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016. The Teacher-in-Charge also did not issue any Work Done Certificate. Admittedly the school was under the control of administrator since 2017. However, one Md. Jamil claiming himself to be the Secretary of the Managing Committee of the Madrasah has issued Work Done Certificate for the period from 09.11.2019 to 27.02.2020, when the Madrasah was under the control of Administrator.

Having regard to the documents produced by the petitioner, the Resolution Book and Attendance Registers produced by the Teacher-in-Charge and the report of D.I. of Schools, we have no hesitation to hold the view that the petitioner was never recruited following the Rules of Recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked as Assistant Teacher of the said Madrasah. The claim of the petitioner is false and fabricated.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

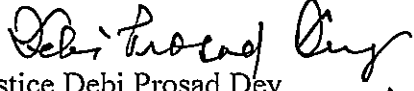

2. Shri Manish Gupta 02/08/2023
(Member)

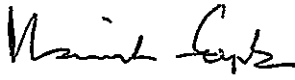

3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)


OBSERVATION

Najema Khatun, Assistant Teacher, Under Graduate : The petitioner obtained 32.62% in her Fazil examination and she had no B.Ed. degree. The petitioner is claiming herself as Assistant Teacher appointed by the Madrasah in terms of special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2015 dated 14.12.2015. No Work Done Certificate has been filed on behalf of the petitioner, issued by the Headmaster/Teacher-in-Charge of the Madrasah to show that the petitioner has been working as Assistant Teacher. Abdul Malek, the Teacher-in-Charge of the Madrasah has categorically stated that the petitioner was never appointed following the Rules of Recruitment and there ^{is} ~~is~~ no such resolution in ~~the~~ original Resolution Book as has been mentioned in the Letter of Appointment in the petitioner. The Teacher-in-Charge also produced the list of approved teachers and the original Attendance Register to show that the claim of the petitioner is false and fabricated. The Petitioner is devoid of requisite qualification to be appointed as Assistant Teacher. On scrutiny of the Resolution Book, we do not find any such resolution in the official Resolution Book about alleged appointment of the Petitioner.

Having regard to the documents filed by the Petitioner, the Resolution Book of the Managing Committee and the statement of the D.I. of Schools and his report thereof, we are of the considered opinion that the Petitioner was never recruited following Rules of Recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015, having no requisite qualification and the Work Done Certificate issued by the Secretary of the Managing Committee for the period, when the Madrasah was under the administration of Government administrator, cannot be accepted.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

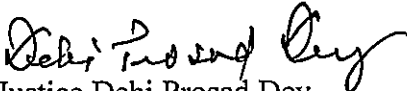

2. Shri Manish Gupta 02/08/2023
(Member)

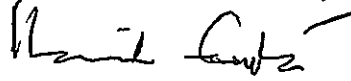

3. Shri Sripati Mukhopadhyay
(Member) 02/8/23

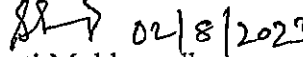
OBSERVATION

Abdur Rahaman Assistant Teacher, Under Graduate : The petitioner obtained 58.14% in his Higher Secondary examination and he had no B.Ed. degree. The petitioner is claiming himself as Assistant Teacher appointed by the Madrasah in terms of special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2015 dated 14.12.2015. No Work Done Certificate has been filed on behalf of the petitioner, issued by the Headmaster/Teacher-in-Charge of the Madrasah to show that the petitioner has been working as Assistant Teacher. Abdul Malek, the Teacher-in-Charge of the Madrasah has categorically stated that the petitioner was never appointed following the Rules of Recruitment and there is no such resolution in the original Resolution Book as has been mentioned in the Letter of Appointment of the petitioner. The Teacher-in-Charge also produced the list of approved teachers and the original Attendance Register to show that the claim of the petitioner is false and fabricated. The Petitioner is devoid of requisite qualification to be appointed as Assistant Teacher. On scrutiny of the Resolution Book, we do not find any such resolution in the official Resolution Book about alleged appointment of the Petitioner.

Having regard to the documents filed by the Petitioner, the Resolution Book of the Managing Committee and the statement of the D.I. of Schools and his report thereof, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 having no requisite qualification and the Work Done Certificate issued by the Secretary of the Managing Committee for the period, when the Madrasah was under the administration of Government administrator, cannot be accepted.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

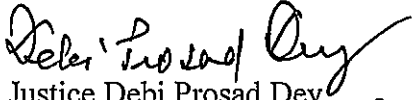

2. Shri Manish Gupta 02/08/2023
(Member)

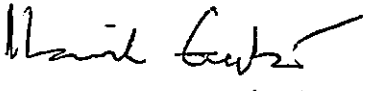

3. Shri Sripati Mukhopadhyay
(Member)

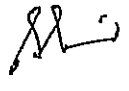
OBSERVATION

Abdur Rahaman, Assistant Teacher, Theology (H/PG) : On the strength of Madrasah Special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2019 dated 04.11.2019, The petitioner is claiming himself as legally appointed Assistant Teacher, Theology (H/PG). The Work Done Certificate has been issued by Md. Jamil for the period from 09.11.2019 to 27.02.2020. Abdul Malek, the Teacher-in-Charge has stated that Abdur Rahaman was never recruited following the Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah. On scrutiny of the original Resolution Book produced by the Teacher-in-Charge, we do not find any resolution vide special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2019 dated 04.11.2019. As per the Teacher-in-Charge, the Madrasah was under the control of administrator from 16.11.2017 and there was no valid Managing Committee. The Teacher-in-Charge did not issue any Work Done Certificate to the Petitioner. There is no signature of the petitioner in the official Attendance Register. Md. Jamil, therefore, cannot issue any such certificate in the capacity of the Secretary of the Managing Committee when there was no valid Managing Committee and the Madrasah was under the administration of Government administrator.

In the premises set forth above, what is apparent, is that the documents produced by the petitioner are all false and fabricated. The petitioner was never recruited following Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)

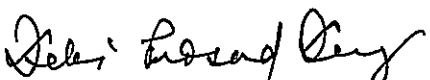

3. Shri Sripati Mukhopadhyay
(Member) 02/8/2023


OBSERVATION

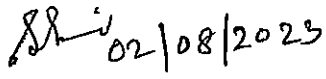
Md. Malek, Assistant Teacher, Theology (H/PG) : The petitioner on the basis of the resolution of the Managing Committee being special meeting no. SPL/01/2019 dated 04.11.2019 is claiming himself as Assistant Teacher, Theology. As per the petitioner, he was recruited under 10% management quota in terms of order dated 25.08.2015 passed by Hon'ble Division Bench, Kolkata High Court vide MAT NO. 473/2014. As per the petitioner, he did not appear in any written examination for being recruited as Teacher. On careful scrutiny of the Resolution Book of the Managing Committee, we do not find any such resolution as has been stipulated in the so called appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register/. The petitioner has also not filed any photocopy of Resolution Book/Attendance Register duly certified by the appropriate authority.

The Madrasah is under the control of Government Administrator since 2017. Abdul Malek, the Teacher-in-Charge has categorically stated that the petitioner was never appointed following Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and the Madrasah had no valid Managing Committee since 2017. The Teacher-in-Charge also did not grant any Work Done Certificate to the petitioner and specifically stated that the petitioner never worked as Assistant Teacher in the Madrasah. Curiously enough, one Md. Zamil issued Work Done Certificate for the period from 09.11.2019 to 27.02.2020 during such period there was no valid Managing Committee.

Considering the materials produced by the petitioner, Teacher-in-Charge and D.I. of Schools (by filing a report thereof), we are of the considered opinion that Md. Malek was never recruited following Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah. The claim of the petitioner is false and fabricated.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)

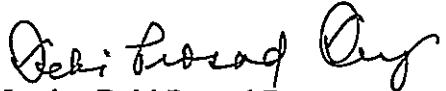

2. Shri Manish Gupta 02/08/2023
(Member)

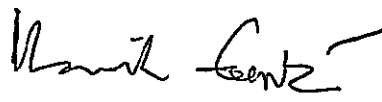

3. Shri Sripati Mukhopadhyay
(Member)

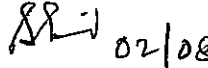
OBSERVATION

Nurun Nesa, Assistant Teacher, Under Graduate : The petitioner obtained 44.57% in her Higher Secondary examination and he had no B.Ed. degree. The petitioner is claiming herself as Assistant Teacher appointed by the Madrasah in terms of special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2015 dated 14.12.2015. No Work Done Certificate has been filed on behalf of the petitioner, issued by the Headmaster/Teacher-in-Charge of the Madrasah to show that the petitioner has been working as Assistant Teacher. Abdul Malek, the Teacher-in-Charge of the Madrasah has categorically stated that the petitioner was never appointed following the Rules of Recruitment and there is no such resolution in the original Resolution Book as has been mentioned in the Letter of Appointment in the petitioner. The Teacher-in-Charge also produced the list of approved teachers and the original Attendance Register to show that the claim of the petitioner is false and fabricated. The Petitioner is devoid of requisite qualification to be appointed as Assistant Teacher. On scrutiny of the Resolution Book, we do not find any such resolution in the official Resolution Book about alleged appointment of the Petitioner.

Having regard to the documents filed by the Petitioner, the Resolution Book of the Managing Committee and the statement of the D.I. of Schools and his report thereof, we are of the considered opinion that the Petitioner was never recruited following Rules of Recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 having no requisite qualification and the Work Done Certificate issued by the Secretary of the Managing Committee for the period, when the Madrasah was under the administration of Government administrator, cannot be accepted.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)

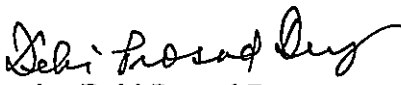

3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)


OBSERVATION

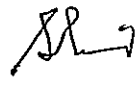
Nurul Islam, Assistant Teacher, Arabic (Pass) : The petitioner on the basis of the resolution of the Managing Committee being meeting no. special meeting no. SPL/01/2019 dated 04.11.2019 is claiming himself as Assistant Teacher, Theology. As per the petitioner, he was recruited under 10% management quota in terms of order dated 25.08.2015 passed by Hon'ble Division Bench, Calcutta High Court vide MAT NO. 473/2014. As per the petitioner, he did not appear in any written examination for being recruited as Teacher. On careful scrutiny of the Resolution Book of the Managing Committee, we do not find any such resolution as has been stipulated in the so called appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register. The petitioner has also not filed any photocopy of Resolution Book/Attendance Register duly certified by the appropriate authority.

The Madrasah is under the control of Government Administrator since 2017. Abdul Malek, the Teacher-in-Charge has categorically stated that the petitioner was never appointed following Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and the Madrasah had no valid Managing Committee since 2017. The Teacher-in-Charge also did not grant any Work Done Certificate to the petitioner and specifically stated that the petitioner never worked as Assistant Teacher in the Madrasah. Curiously enough, one Md. Jamil issued Work Done Certificate for the period from 09.11.2019 to 27.02.2020 during such period there was no valid Managing Committee.

Considering the materials produced by the petitioner, Teacher-in-Charge and D.I. of Schools (by filing a report thereof), we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah. The claim of the petitioner is false and fabricated.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)

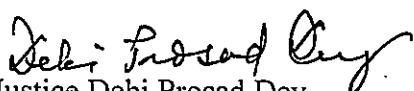

2. Shri Manish Gupta 02/08/2023
(Member)

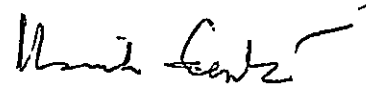

3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

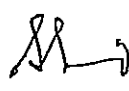
OBSERVATION

Kawsera Begum, Assistant Teacher, Under Graduate : The petitioner obtained 49.28% in her Higher Secondary examination and she had no B.Ed. degree. The petitioner is claiming herself as Assistant Teacher appointed by the Madrasah in terms of special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2015 dated 14.12.2015. No Work Done Certificate has been filed on behalf of the petitioner, issued by the Headmaster/Teacher-in-Charge of the Madrasah to show that the petitioner has been working as Assistant Teacher. Abdul Malek, the Teacher-in-Charge of the Madrasah has categorically stated that the petitioner was never appointed following the Rules of Recruitment and there is no such resolution in the original Resolution Book as has been mentioned in the Letter of Appointment in the petitioner. The Teacher-in-Charge also produced the list of approved teachers and the original Attendance Register to show that the claim of the petitioner is false and fabricated. The Petitioner is devoid of requisite qualification to be appointed as Assistant Teacher. On scrutiny of the Resolution Book, we do not find any such resolution in the official Resolution Book about alleged appointment of the Petitioner.

Having regard to the documents filed by the Petitioner, the Resolution Book of the Managing Committee and the statement of the D.I. of Schools and his report thereof, we are of the considered opinion that the Petitioner was never recruited following Rules of Recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015 having no requisite qualification and the Work Done Certificate issued by the Secretary of the Managing Committee for the period, when the Madrasah was under the administration of Government Administrator, cannot be accepted.

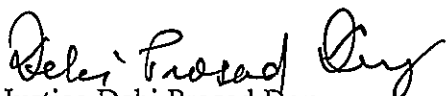

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023



2. Shri Manish Gupta 02/08/2023
(Member)

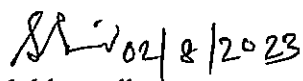

3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

OBSERVATION

Manirul Hoque, Assistant Teacher, Theology (H/PG) : The petitioner is claiming himself to be the Assistant Teacher, Theology (H/PG) of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur. As per recommendation of the selection committee, the petitioner was appointed on the strength of Special meeting no. special SPL/01/K.N.K.SR.M (Fazil)/2019 dated 04.11.2019. Admittedly, the final result of B.Ed. of the petitioner was published on 28.02.2020, which clearly reveals that the petitioner had no B.Ed. degree on the date of alleged recruitment. On careful scrutiny of the Resolution Book, we do not find any such resolution being special meeting no. SPL/01/K.N.K.SR.M (Fazil)/2019 dated 04.11.2019. Secondly, the petitioner had no requisite qualification to be appointed as Assistant Teacher on 04.11.2019 due to want of B.Ed. degree. The Teacher-in-Charge Abdul Malek by producing the Resolution Book and Attendance Register has categorically stated that Manirul Hoque was never recruited following Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah. The D.I. of Schools also corroborated such statements by filing a report thereof. Under such circumstances, having regard to the documents and statement of the petitioner, Teacher-in-Charge and D.I. of Schools, Uttar Dinajpur, we are of the considered opinion that the petitioner was never recruited under the Rules of Recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah. The claim of the Petitioner is false and fabricated.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Kabejul Islam, Assistant Teacher, Pure Science (Pass) : The petitioner is claiming himself to be the Assistant Teacher of Pure Science of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur. As per the Letter of Appointment, the petitioner was appointed on the strength of resolution vide meeting no. 4/2018 dated 07.08.2018. The petitioner has also produced the Photostat copies of newspaper "AAJKAL" published from North Bengal dated 18.06.2018 under the signature of the Secretary, Md. Jamirul of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur in order to show that the vacancy was duly published in the newspaper. The Teacher-in-Charge Abdul Malek, has stated that there was no valid Managing Committee on and from 16.11.2017. The Madrasah was under the control of the administrator on and from 16.11.2017. Therefore, Md. Jamil, Secretary of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur had no locus standi to publish any such advertisement for recruitment of teachers on 18.06.2018. The entire exercise in that regard is the outcome of a bigger conspiracy between Sk. Zamil and Kabejul Islam to manufacture documents for the purpose of proving that Kabejul Islam was recruited following Rules of Recruitment. Abdul Malek has categorically stated that there is no such resolution being no. 4/2018 dated 07.08.2018 since there was no Managing Committee on that date. We also find on scrutiny of the Resolution Book and the Attendance Register that Kabejul Islam was never recruited following Rules of Recruitment and he never worked in that Madrasah. The claim of Kabejul Islam is false and based on fabricated documents.

Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) 07/08/2023

Manish Gupta
2. Shri Manish Gupta
(Member) 07/08/2023

Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member) 07/08/2023

OBSERVATION

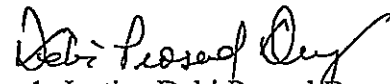
Abdul Momen Gazi, Assistant Teacher, Bengali (H/PG) : The petitioner is claiming himself to be an Assistant Teacher, Bengali of the Madrasah, appointed by the Managing Committee on 21.01.2016 and has been working on and from 25.01.2016. In support of his contention, he has filed Work Done Certificate issued by the present Teacher-in-Charge, Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. On scrutiny, we find that the petitioner has no requisite qualification (having no B.Ed. degree and less than 50% in aggregate) to be appointed as Assistant Teacher, Bengali. Sudip Kumar Maity, D.I. of Schools has specifically stated that no intimation/permission of the D.I. of Schools was ever taken by the Managing Committee of the Madrasah for the recruitment of the petitioner. On the contrary, the D.I. of Schools produced the declaration made by previous Teacher-in-Charge, Md. Abdul Rafique Khan that the petitioner was not known to him and was not associated with the Madrasah in any capacity. The D.I. of Schools further stated that there was no Managing Committee and as such the then Teacher-in-Charge gave a declaration that there was no Resolution Book of the Madrasah from 2016 to 2019. The present Teacher-in-Charge, Nuruddin Mondal has filed such declaration of the previous Teacher-in-Charge. One written submission was filed under the signature of Nuruddin Mondal. Nuruddin Mondal, the Teacher-in-Charge specifically stated that one Parvez Ahmed Mallick son of member of Zilla Parishad forcibly took his signature on such written submission and he had no idea about the contents of the written submission or about the copies of the resolution and documents attached with such written submission. The Superintendent Nuruddin Mondal had no knowledge about the appointment of the petitioner. The copies of resolution filed along with such written submission could not be verified due to non-production of the original Resolution Book. Such copies are also not certified by any competent authority. Moreover, the previous Teacher-in-Charge has stated that there was no Managing Committee for years together in the Madrasah. The present Teacher-in-Charge was forced by one Parvez Ahmed Mallick son of the member of Zilla Parishad to sign on Work Done Certificate and out of ^{fear} ~~love~~ he was compelled to sign on Work Done Certificate. In fact, the petitioner never worked in the Madrasah. There is no signature of the petitioner in the Attendance Register from 2020 till 2022. The Teacher-in-Charge also never had the occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. It is, therefore, apparent that in a desperate attempt to legalize the appointment of the petitioner, who had no requisite qualification to be appointed as Asst. Teacher, the Teacher-in-Charge was terrorized to issue Work Done Certificate and to sign on a written submission under the pressure of one Parvez Ahmed Mallick.

The D.I. of Schools also filed a report stating inter-alia that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

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01/8/23

Under the circumstances stated above, we are of the considered view that the documents filed by the petitioner were manufactured or Nuruddin Mondal was forced to prepare such certificates at the behest of one Parvez Ahmed Mallick.

Considering the totality of the circumstances, and the statements made by the Superintendent and the D.I. of Schools, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petition in the official Attendance Register. The copies of Attendance Register filed by the petitioner are not certified by the Teacher-in-Charge and obviously the same has been manufactured. Therefore, it may also be stated that the petitioner never worked in that Madrasah.



1. Justice Debi Prosad Dey
(Chairman)

01/08/2023



2. Shri Manish Gupta
(Member)

01/08/2023

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Masum Gazi, Assistant Teacher, Geography (Pass) : The petitioner is claiming himself to be an Assistant Teacher, Geography (Pass) of the Madrasah, appointed by the Managing Committee on 21.01.2016 and has been working on and from 25.01.2016. In support of his contention, he has filed Work Done Certificate issued by the present Teacher-in-Charge, Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. Sudip Kumar Maity, D.I. of Schools has specifically stated that no intimation/permission of the D.I. of Schools was ever taken by the Managing Committee of the Madrasah for the recruitment of the petitioner. On the contrary, the D.I. of Schools produced the declaration made by previous Teacher-in-Charge, Md. Abdul Rafique Khan that the petitioner was not known to him and was not associated with the Madrasah in any capacity. The D.I. of Schools further stated that there was no Managing Committee and as such the then Teacher-in-Charge gave a declaration that there was no Resolution Book of the Madrasah from 2016 to 2019. The present Teacher-in-Charge, Nuruddin Mondal has filed such declaration of the previous Teacher-in-Charge. One written submission was filed under the signature of Nuruddin Mondal. Nuruddin Mondal, the Teacher-in-Charge specifically stated that one Parvez Ahmed Mallick son of member of Zilla Parishad forcibly took his signature on such written submission and he had no idea about the contents of the written submission or about the copies of the resolution and documents attached with such written submission. The Superintendent, Nuruddin Mondal had no knowledge about the appointment of the petitioner. The copies of resolution filed along with such written submission could not be verified due to non-production of the original Resolution Book. Such copies are also not certified by any competent authority. Moreover, the previous Teacher-in-Charge has stated that there was no Managing Committee for years together in the Madrasah. The present Teacher-in-Charge was forced by one Parvez Ahmed Mallick son of the member of Zilla Parishad to sign on Work Done Certificate and out of ^{fear} here he was compelled to sign on Work Done Certificate. In fact, the petitioner never worked in the Madrasah. There is no signature of the petitioner in the Attendance Register from 2020 till 2022. The Teacher-in-Charge also never had the occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. It is, therefore, apparent that in a desperate attempt to legalize the appointment of the petitioner to be appointed as Asst. Teacher, the Teacher-in-Charge was terrorized to issue Work Done Certificate and to sign on a written submission under the pressure of one Parvez Ahmed Mallick.

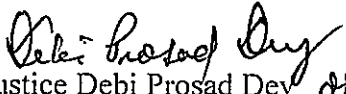
The D.I. of Schools also filed a report stating inter-alia that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.


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01/8/23

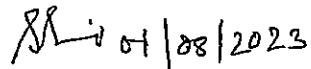
Under the circumstances stated above, we are of the considered view that the documents filed by the petitioner were manufactured or Nuruddin Mondal was forced to prepare such certificates at the behest of one Parvez Ahmed Mallick.

Considering the totality of the circumstances, and the statements made by the Superintendent and the D.I. of Schools, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petitioner in the official Attendance Register. The copies of Attendance Register filed by the petitioner are not certified by the Teacher-in-Charge and obviously the same has been manufactured. Therefore, it may also be stated that the petitioner never worked in that Madrasah.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in that Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

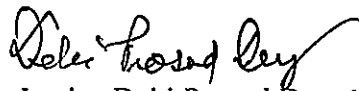
Abdus Selim Gazi, Assistant Teacher, Primary Section : The petitioner is claiming himself to be an Assistant Teacher, Primary, Section of the Madrasah, appointed by the Managing Committee on 20.01.2016 and has been working on and from 25.01.2016. In support of his contention, he has filed Work Done Certificate issued by the present Teacher-in-Charge, Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. On scrutiny, we find that the petitioner has no requisite qualification (having no B.Ed. degree and less than 50% in aggregate) to be appointed as Assistant Teacher, Bengali. Sudip Kumar Maity, D.I. of Schools has specifically stated that no intimation/permission of the D.I. of Schools was ever taken by the Managing Committee of the Madrasah for the recruitment of the petitioner. On the contrary, the D.I. of Schools produced the declaration made by previous Teacher-in-Charge, Md. Abdul Rafique Khan that the petitioner was not known to him and was not associated with the Madrasah in any capacity. The D.I. of Schools further stated that there was no Managing Committee and as such the then Teacher-in-Charge gave a declaration that there was no Resolution Book of the Madrasah from 2016 to 2019. The present Teacher-in-Charge, Nuruddin Mondal has filed such declaration of the previous Teacher-in-Charge. One written submission was filed under the signature of Nuruddin Mondal. Nuruddin Mondal, the Teacher-in-Charge specifically stated that one Parvez Ahmed Mallick son of member of Zilla Parishad forcibly took his signature on such written submission and he had no idea about the contents of the written submission or about the copies of the resolution and documents attached with such written submission. The Superintendent Nuruddin Mondal had no knowledge about the appointment of the petitioner. The copies of resolution filed along with such written submission could not be verified due to non-production of the original Resolution Book. Such copies are also not certified by any competent authority. Moreover, the previous Teacher-in-Charge has stated that there was no Managing Committee for years together in the Madrasah. The present Teacher-in-Charge was forced by one Parvez Ahmed Mallick son of the member of Zilla Parishad to sign on Work Done Certificate and out of ^{lean} ~~force~~ _{of} he was compelled to sign on Work Done Certificate. In fact, the petitioner never worked in the Madrasah. There is no signature of the petitioner in the Attendance Register from 2020 till 2022. The Teacher-in-Charge also never had the occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. It is, therefore, apparent that in a desperate attempt to legalize the appointment of the petitioner, who had no requisite qualification to be appointed as Asst. Teacher, the Teacher-in-Charge was terrorized to issue Work Done Certificate and to sign on a written submission under the pressure of one Parvez Ahmed Mallick.

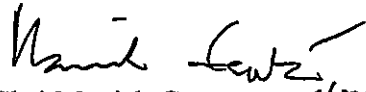
The D.I. of Schools also filed a report stating inter-alia that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

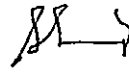
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Under the circumstances stated above, we are of the considered view that the documents filed by the petitioner were manufactured or Nuruddin Mondal was forced to prepare such certificates at the behest of one Parvez Ahmed Mallick.

Considering the totality of the circumstances, and the statements made by the Superintendent and the D.I. of Schools, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petition in the official Attendance Register. The copies of Attendance Register filed by the petitioner are not certified by the Teacher-in-Charge and obviously the same has been manufactured. Therefore, it may also be stated that the petitioner never worked in that Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

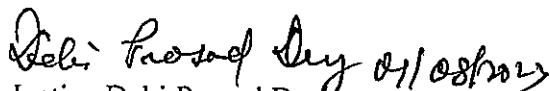

2. Shri Manish Gupta 01/08/2023
(Member)

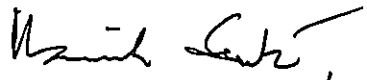
 01/8/2023
3. Shri Sripati Mukhopadhyay
(Member)

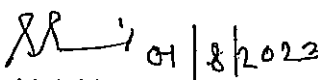
OBSERVATION

Lipika Mondal, Group - C (Clerk) : Lipika Mondal is a resident of Borjora, district – Bankura and she has been residing with her husband, who has got one hardware shop at Borjora. Her native place is at Kalna, district – Burdwan and the Madrasah is situated far away from her native place as well as from the father-in-law's house. In absence of any original Resolution Book of the Managing Committee, we could not find any relevance of the appointment letter which was issued in terms of special meeting no. 2 of 20.01.2016. Nuruddin Mondal, the Teacher-in-Charge has denied all the contents of written submission filed under his signature on the ground that he was terrorized by one Parvez Ahmed Mallick son of the member of Zilla Parishad to put his signature on the last page of the written submission. Nuruddin Mondal has had no knowledge about the contents of the written submission or about the documents annexed therewith. He had no occasion to see the original Resolution Book for the period from 2015 to 2019. The D.I. of Schools also stated that the petitioner was never recruited following Rules of Recruitment and to that effect the previous Teacher-in-Charge had given a written declaration having regard to the statement of Teacher-in-Charge, D.I. of Schools in absence of the original Resolution Book. we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Orders No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner (having no signature in the official Attendance Register) never worked in the Madrasah. The petitioner in a desperate move forcibly took the signature of the Teacher-in-Charge on the Work Done Certificate and the declaration filed allegedly on behalf of the Teacher-in-Charge cannot be accepted. In view of such statement of Nuruddin Mondal and thus we reject the documents and the written declaration as well as the Work Done Certificate filed under the signature of Nuruddin Mondal.

Under the circumstances stated hereinabove, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in that Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

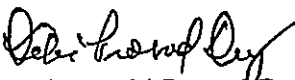
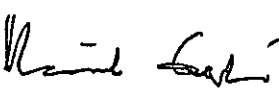
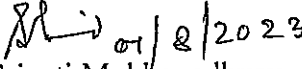

2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Parvez Ahamed Mollick, Group – C (Clerk) : In absence of any original Resolution Book of the Managing Committee, we could not find any relevance of the appointment letter which was issued in terms of special meeting no. 2 of 20.01.2016. Nuruddin Mondal, the Teacher-in-Charge has denied all the contents of written submission filed under his signature on the ground that he was terrorized by one Parvez Ahmed Mallick son of the member of Zilla Parishad to put her signature on the last page of the written submission. Nuruddin Mondal has had no knowledge about the contents of the written submission or about the documents annexed therewith. He had no occasion to see the original Resolution Book for the period from 2015 to 2019. The D.I. of Schools also stated that the petitioner was never recruited following Rules of Recruitment and to that effect the previous Teacher-in-Charge had given a written declaration having regard to the statement of Teacher-in-Charge, D.I. of Schools in absence of the original Resolution Book, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Orders No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner (having no signature in the official Attendance Register) never worked in the Madrasah. The petitioner in a desperate move forcibly took the signature of the Teacher-in-Charge on Work Done Certificate and the submission filed allegedly on behalf of the Teacher-in-Charge. In view of such statement of Nuruddin Mondal, we reject the documents and the written submission as well as the Work Done Certificate filed under the signature of Nuruddin Mondal.

Under the circumstances stated hereinabove, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in that Madrasah.

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1. Justice Debi Prosad Dey
(Chairman) 01/08/2023
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2. Shri Manish Gupta 07/08/2023
(Member)
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3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

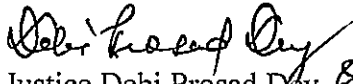
OBSERVATION

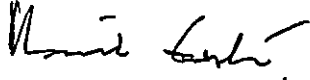
Tahamina Khatun, Assistant Teacher, Bengali (H/PG) : The petitioner is claiming herself to be an Assistant Teacher, Bengali (H/PG) of the Madrasah, appointed by the Managing Committee on 21.01.2016 and has been working on and from 25.01.2016. In support of her contention, she has filed a Work Done Certificate issued by the present Teacher-in-Charge, Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. On scrutiny, we find that the petitioner has no requisite qualification (having no B.Ed. degree and less than 50% in aggregate) to be appointed as Assistant Teacher, Bengali. Sudip Kumar Maity, D.I. of Schools has specifically stated that no intimation/permission of the D.I. of Schools was ever taken by the Managing Committee of the Madrasah for the recruitment of the petitioner. On the contrary, the D.I. of Schools produced the declaration made by previous Teacher-in-Charge, Md. Abdul Rafique Khan that the petitioner was not known to him and was not associated with the Madrasah in any capacity. The D.I. of Schools further stated that there was no Managing Committee and as such the then Teacher-in-Charge gave a declaration that there was no Resolution Book of the Madrasah from 2016 to 2019. The present Teacher-in-Charge, Nuruddin Mondal has filed such declaration of the previous Teacher-in-Charge. One written submission was filed under the signature of Nuruddin Mondal. Nuruddin Mondal, the Teacher-in-Charge specifically stated that one Parvez Ahmed Mallick son of member of Zilla Parishad forcibly took his signature on such written submission and he had no idea about the contents of the written submission or about the copies of the resolution and documents attached with such written submission. The Superintendent Nuruddin Mondal had no knowledge about the appointment of the petitioner. The copies of resolution filed along with such written submission could not be verified due to non-production of the original Resolution Book. Such copies are also not certified by any competent authority. Moreover, the previous Teacher-in-Charge has stated that there was no Managing Committee for years together in the Madrasah. The present Teacher-in-Charge was forced by one Parvez Ahmed Mallick son of the member of Zilla Parishad to sign on Work Done Certificate and out of ^{fear} ~~love~~ he was compelled to sign on Work Done Certificate. In fact, the petitioner never worked in the Madrasah. There is no signature of the petitioner in the Attendance Register from 2020 till 2022. The Teacher-in-Charge also never had the occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. It is, therefore, apparent that in a desperate attempt to legalize the appointment of the petitioner, who had no requisite qualification to be appointed as Asst. Teacher, the Teacher-in-Charge was terrorized to issue Work Done Certificate and to sign on a written submission under the pressure of one Parvez Ahmed Mallick.


The D.I. of Schools also filed a report stating inter-alia that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Under the circumstances stated above, we are of the considered view that the documents filed by the petitioner were manufactured or Nuruddin Mondal was forced to prepare such certificates at the behest of one Parvez Ahmed Mallick.

Considering the totality of the circumstances, and the statements made by the Superintendent and the D.I. of Schools, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petition in the official Attendance Register. The copies of Attendance Register filed by the petitioner are not certified by the Teacher-in-Charge and obviously the same has been manufactured. Therefore, it may also be stated that the petitioner never worked in that Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)



2. Shri Manish Gupta 01/08/2023
(Member)

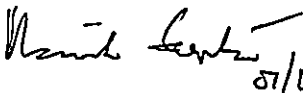

3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

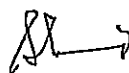
OBSERVATION

Md. Safiqul Alam Mollick, Group - D : In absence of any original Resolution Book of the Managing Committee, we could not find any relevance of the appointment letter which was issued in terms of special meeting no. 2 of 20.01.2016. Nuruddin Mondal, the Teacher-in-Charge has denied all the contents of written submission filed under his signature on the ground that he was terrorized by one Parvez Ahmed Mallick son of the member of Zilla Parishad to put her signature on the last page of the written submission. Nuruddin Mondal has had no knowledge about the contents of the written submission or about the documents annexed therewith. He had no occasion to see the original Resolution Book for the period from 2015 to 2019. The D.I. of Schools also stated that the petitioner was never recruited following Rules of Recruitment and to that effect the previous Teacher-in-Charge had given a written declaration having regard to the statement of Teacher-in-Charge, D.I. of Schools in absence of the original Resolution Book. We are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Orders No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner (having no signature in the official Attendance Register) never worked in the Madrasah. The petitioner in a desperate move forcibly took the signature of the Teacher-in-Charge on Work Done Certificate and the declaration of the Teacher-in-Charge. In view of such statement of Nuruddin Mondal, we reject the documents filed by the petitioner and the written submission as well as the Work Done Certificate filed under the signature of Nuruddin Mondal.

Under the circumstances stated hereinabove, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023



2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION


Sahanaj Parveen, Assistant Teacher, Geography (H/PG) : The petitioner is claiming himself to be an Assistant Teacher, Geography (H/PG) of the Madrasah, appointed by the Managing Committee on 21.01.2016 and has been working on and from 25.01.2016. In support of his contention, he has filed Work Done Certificate issued by the present Teacher-in-Charge. Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. On scrutiny, we find that the petitioner has no requisite qualification (having no B.Ed. degree and less than 50% in aggregate) to be appointed as Assistant Teacher, Bengali. Sudip Kumar Maity, D.I. of Schools has specifically stated that no intimation/permission of the D.I. of Schools was ever taken by the Managing Committee of the Madrasah for the recruitment of the petitioner. On the contrary, the D.I. of Schools produced the declaration made by previous Teacher-in-Charge, Md. Abdul Rafique Khan that the petitioner was not known to him and was not associated with the Madrasah in any capacity. The D.I. of Schools further stated that there was no Managing Committee and as such the then Teacher-in-Charge gave a declaration that there was no Resolution Book of the Madrasah from 2016 to 2019. The present Teacher-in-Charge, Nuruddin Mondal has filed such declaration of the previous Teacher-in-Charge. One written submission was filed under the signature of Nuruddin Mondal. Nuruddin Mondal, the Teacher-in-Charge specifically stated that one Parvez Ahmed Mallick son of member of Zilla Parishad forcibly took his signature on such written submission and he had no idea about the contents of the written submission or about the copies of the resolution and documents attached with such written submission. The Superintendent, Nuruddin Mondal had no knowledge about the appointment of the petitioner. The copies of resolution filed along with such written submission could not be verified due to non-production of the original Resolution Book. Such copies are also not certified by any competent authority. Moreover, the previous Teacher-in-Charge has stated that there was no Managing Committee for years together in the Madrasah. The present Teacher-in-Charge was forced by one Parvez Ahmed Mallick son of the member of Zilla Parishad to sign on Work Done Certificate and out of ^{fear} ~~love~~ he was compelled to sign on Work Done Certificate. In fact, the petitioner never worked in the Madrasah. There is no signature of the petitioner in the Attendance Register from 2020 till 2022. The Teacher-in-Charge also never had the occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. It is, therefore, apparent that in a desperate attempt to legalize the appointment of the petitioner. who had no requisite qualification to be appointed as Asst. Teacher. the Teacher-in-Charge was terrorized to issue Work Done Certificate and to sign on a written submission under the pressure of one Parvez Ahmed Mallick.

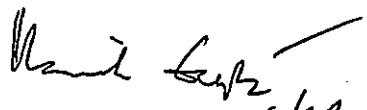
The D.I. of Schools also filed a report stating inter-alia that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

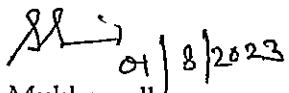

01/8/23

Under the circumstances stated above, we are of the considered view that the documents filed by the petitioner were manufactured or Nuruddin Mondal was forced to prepare such certificates at the behest of one Parvez Ahmed Mallick.

Considering the totality of the circumstances, and the statements made by the Superintendent and the D.I. of Schools, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petition in the official Attendance Register. The copies of Attendance Register filed by the petitioner are not certified by the Teacher-in-Charge and obviously the same has been manufactured. Therefore, it may also be stated that the petitioner never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman)


2. Shri Manish Gupta
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Mabuda Khatun, Assistant Teacher, Work Education (Pass) : The petitioner is claiming himself to be an Assistant Teacher, Work Education (Pass) of the Madrasah, appointed by the Managing Committee on 21.01.2016 and has been working on and from 25.01.2016. In support of his contention, he has filed Work Done Certificate issued by the present Teacher-in-Charge, Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. Sudip Kumar Maity, D.I. of Schools has specifically stated that no intimation/permission of the D.I. of Schools was ever taken by the Managing Committee of the Madrasah for the recruitment of the petitioner. On the contrary, the D.I. of Schools produced the declaration made by previous Teacher-in-Charge. Md. Abdul Rafique Khan that the petitioner was not known to him and was not associated with the Madrasah in any capacity. The D.I. of Schools further stated that there was no Managing Committee and as such the then Teacher-in-Charge gave a declaration that there was no Resolution Book of the Madrasah from 2016 to 2019. The present Teacher-in-Charge, Nuruddin Mondal has filed such declaration of the previous Teacher-in-Charge. One written submission was filed under the signature of Nuruddin Mondal. Nuruddin Mondal, the Teacher-in-Charge specifically stated that one Parvez Ahmed Mallick son of member of Zilla Parishad forcibly took his signature on such written submission and he had no idea about the contents of the written submission or about the copies of the resolution and documents attached with such written submission. The Superintendent, Nuruddin Mondal had no knowledge about the appointment of the petitioner. The copies of resolution filed along with such written submission could not be verified due to non-production of the original Resolution Book. Such copies are also not certified by any competent authority. Moreover, the previous Teacher-in-Charge has stated that there was no Managing Committee for years together in the Madrasah. The present Teacher-in-Charge was forced by one Parvez Ahmed Mallick son of the member of Zilla Parishad to sign on Work Done Certificate and out of ^{fear} ~~love~~ he was compelled to sign on Work Done Certificate. In fact, the petitioner never worked in the Madrasah. There is no signature of the petitioner in the Attendance Register from 2020 till 2022. The Teacher-in-Charge also never had the occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. It is, therefore, apparent that in a desperate attempt to legalize the appointment of the petitioner to be appointed as Asst. Teacher, the Teacher-in-Charge was terrorized to issue Work Done Certificate and to sign on a written submission under the pressure of one Parvez Ahmed Mallick.


The D.I. of Schools also filed a report stating inter-alia that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

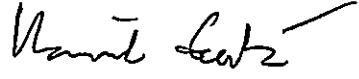
SR
01/8/22

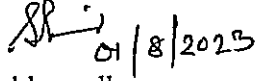
Under the circumstances stated above, we are of the considered view that the documents filed by the petitioner were manufactured or Nuruddin Mondal was forced to prepare such certificates at the behest of one Parvez Ahmed Mallick.

Considering the totality of the circumstances, and the statements made by the Superintendent and the D.I. of Schools, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petition in the official Attendance Register. The copies of Attendance Register filed by the petitioner are not certified by the Teacher-in-Charge and obviously the same has been manufactured. Therefore, it may also be stated that the petitioner never worked in that Madrasah.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment being 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in that Madrasah.


1. Justice Debi Prasad Dey 01/08/2023
(Chairman)


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

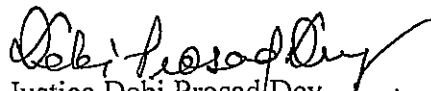
Rexona Khatun, Assistant Teacher, History (Pass) : The petitioner is claiming ^{himself} to be an Assistant Teacher, History (Pass) of the Madrasah, appointed by the Managing ^{Committee} on 21.01.2016 and has been working on and from 25.01.2016. In support of his contention, he has filed Work Done Certificate issued by the present Teacher-in-Charge, Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. On scrutiny, we find that the petitioner has no requisite qualification (having no B.Ed. degree and less than 50% in aggregate) to be appointed as Assistant Teacher, Bengali. Sudip Kumar Maity, D.I. of Schools has specifically stated that no intimation/permission of the D.I. of Schools was ever taken by the Managing Committee of the Madrasah for the recruitment of the petitioner. On the contrary, the D.I. of Schools produced the declaration made by previous Teacher-in-Charge, Md. Abdul Rafique Khan that the petitioner was not known to him and was not associated with the Madrasah in any capacity. The D.I. of Schools further stated that there was no Managing Committee and as such the then Teacher-in-Charge gave a declaration that there was no Resolution Book of the Madrasah from 2016 to 2019. The present Teacher-in-Charge, Nuruddin Mondal has filed such declaration of the previous Teacher-in-Charge. One written submission was filed under the signature of Nuruddin Mondal. Nuruddin Mondal, the Teacher-in-Charge specifically stated that one Parvez Ahmed Mallick son of member of Zilla Parishad forcibly took his signature on such written submission and he had no idea about the contents of the written submission or about the copies of the resolution and documents attached with such written submission. The Superintendent Nuruddin Mondal had no knowledge about the appointment of the petitioner. The copies of resolution filed along with such written submission could not be verified due to non-production of the original Resolution Book. Such copies are also not certified by any competent authority. Moreover, the previous Teacher-in-Charge has stated that there was no Managing Committee for years together in the Madrasah. The present Teacher-in-Charge was forced by one Parvez Ahmed Mallick son of the member of Zilla Parishad to sign on Work Done Certificate and out of ^{fear} ~~love~~ he was compelled to sign on Work Done Certificate. In fact, the petitioner never worked in the Madrasah. There is no signature of the petitioner in the Attendance Register from 2020 till 2022. The Teacher-in-Charge also never had the occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. It is, therefore, apparent that in a desperate attempt to legalize the appointment of the petitioner, who had no requisite qualification to be appointed as Asst. Teacher, the Teacher-in-Charge was terrorized to issue Work Done Certificate and to sign on a written submission under the pressure of one Parvez Ahmed Mallick.

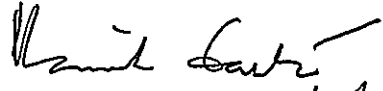
The D.I. of Schools also filed a report stating inter-alia that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

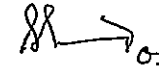
SLP
01/8/23

Under the circumstances stated above, we are of the considered view that the documents filed by the petitioner were manufactured or Nuruddin Mondal was forced to prepare such certificates at the behest of one Parvez Ahmed Mallick.

Considering the totality of the circumstances, and the statements made by the Superintendent and the D.I. of Schools, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. There is no signature of the petition in the official Attendance Register. The copies of Attendance Register filed by the petitioner are not certified by the Teacher-in-Charge and obviously the same has been manufactured. Therefore, it may also be stated that the petitioner never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 09/08/2023

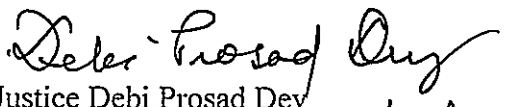

2. Shri Manish Gupta
(Member) 07/08/2023

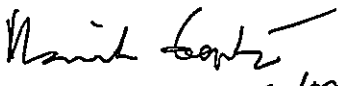

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

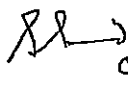
OBSERVATION

Fatema Khatun, Group - D : In absence of any original Resolution Book of the Managing Committee, we could not find any relevance of the appointment letter which was issued in terms of special meeting no. 2 of 20.01.2016. Nuruddin Mondal, the Teacher-in-Charge has denied all the contents of written submission filed under his signature on the ground that he was terrorized by one Parvez Ahmed Mallick son of the member of Zilla Parishad to put her signature on the last page of the written submission. Nuruddin Mondal has had no knowledge about the contents of the written submission or about the documents annexed therewith. He had no occasion to see the original Resolution Book for the period from 2015 to 2019. The D.I. of Schools also stated that the petitioner was never recruited following Rules of Recruitment and to that effect the previous Teacher-in-Charge had given a written declaration. Having regard to the statement of Teacher-in-Charge, D.I. of Schools and in absence of the original Resolution Book, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Orders No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner (having no signature in the official Attendance Register) never worked in the Madrasah. The petitioner in a desperate move forcibly took the signature of the Teacher-in-Charge on the Work Done Certificate and on the alleged declaration of the Teacher-in-Charge. In view of such statement of Nuruddin Mondal, we ignore the documents and the written declaration as well as the Work Done Certificate filed under the signature of Nuruddin Mondal.

Under the circumstances stated hereinabove, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

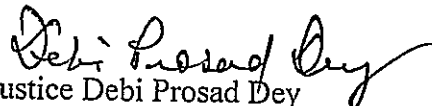

2. Shri Manish Gupta
(Member) 01/08/2023

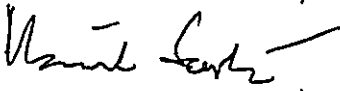

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

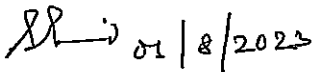
OBSERVATION

Mst. Salma Parvin, Assistant Teacher, English (H/PG) : The petitioner is a resident of about 100 kms. away from the Madrasah and having no requisite qualification she is claiming herself to be appointed as Assistant Teacher, English on 02.01.2019. In the year 2019, there was no relaxation in obtaining marks by an OBC candidate. The statement of Nuruddin Mondal, Teacher-in-Charge clearly revealed that he was forced to sign on a written submission by Parvez Ahmed Mallick and out of here he was compelled to sign on Work Done Certificate. We do not find any original resolution of the Managing Committee to come to a definite finding that following the recruitment rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 the petitioner was recruited. On the contrary, the D.I. of Schools by producing the undertaking the previous Teacher-in-Charge has specifically stated that the petitioner was never recruited following Rules of Recruitment. The present Teacher-in-Charge, Nuruddin Mondal also had no occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. In that view of this case, the copies of the resolution without having any certification by competent authority cannot be accepted as true copy of the original resolution. For that reason, we also reject the written submission under the signature of Nuruddin Mondal and the Work Done Certificate issued by him.

Under the circumstances stated hereinabove, we are of the considered opinion that the petitioner was never recruited as per Govt. order being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah (having no signature in the official Attendance Register maintained by the Madrasah).


1. Justice Debi Prosad Dey
(Chairman) 09/08/2023


2. Shri Manish Gupta 07/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

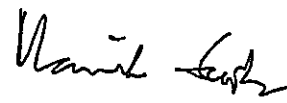
OBSERVATION

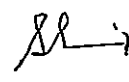
Abdul Karim Mondal, Assistant Teacher, Primary Section : The petitioner is a resident of about 200 kms. away from the Madrasah and having no requisite qualification he is claiming himself to be appointed as Assistant Teacher, Primary on 02.01.2019. The statement of Nuruddin Mondal, Teacher-in-Charge clearly revealed that he was forced to sign on a written submission of Parvez Ahmed Mallick and was compelled to sign on Work Done Certificate. We do not find any original resolution of the Managing Committee to come to a definite finding that following the recruitment rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 the petitioner was recruited. On the contrary, the D.I. of Schools by producing an undertaking of previous Teacher-in-Charge in which he has specifically stated that the petitioner was never recruited following Rules of Recruitment. The present Teacher-in-Charge, Nuruddin Mondal also had no occasion to go through the original Resolution Book for the period of from 2015 to 31.12.2019. In that view of this case, the copies of the resolution without having any certification by competent authority cannot be accepted as true copy of the original resolution. For that reason, we also reject the written submission under the signature of Nuruddin Mondal and the Work Done Certificate issued by him.

Under the circumstances stated hereinabove, we are of the considered opinion that the petitioner was never recruited as per Govt. order being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah (having no signature in the official Attendance Register maintained by the Madrasah).

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

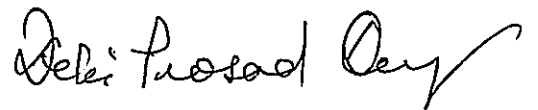

2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

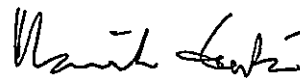
Ashib Mondal, Group - D : In absence of any original Resolution Book of the Managing Committee, we could not find any relevance of the appointment letter which was issued in terms of special meeting no. 2 of 20.01.2016. Nuruddin Mondal, the Teacher-in-Charge has denied all the contents of written submission filed under his signature on the ground that he was terrorized by one Parvez Ahmed Mallick son of the member of Zilla Parishad to put her signature on the last page of the written submission. Nuruddin Mondal has had no knowledge about the contents of the written submission or about the documents annexed therewith. He had no occasion to see the original Resolution Book for the period from 2015 to 2019. The D.I. of Schools also stated that the petitioner was never recruited following Rules of Recruitment and to that effect the previous Teacher-in-Charge had given a written declaration having regard to the statement of Teacher-in-Charge, D.I. of Schools in absence of the original Resolution Book, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Orders No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner (having no signature in the official Attendance Register) never worked in the Madrasah. The petitioner in a desperate move forcibly took the signature of the Teacher-in-Charge on Work Done Certificate and the submission filed allegedly on behalf of the Teacher-in-Charge. In view of such statement of Nuruddin Mondal, we reject the documents and the written submission as well as the Work Done Certificate filed under the signature of Nuruddin Mondal.

Under the circumstances stated hereinabove, we are of the considered opinion that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in that Madrasah.



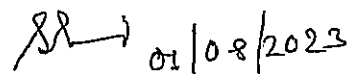
1. Justice Debi Prosad Dey
(Chairman)

01/08/2023



2. Shri Manish Gupta
(Member)

01/08/2023



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Abdus Selim Gazi. Assistant Teacher, Primary Section : The petitioner is claiming himself to be an Assistant Teacher. Primary Section of the Madrasah, appointed by the Managing Committee on 21.01.2016 and has been working on and from 25.01.2016. In support of his contention, he has filed Work Done Certificate issued by the present Teacher-in-Charge, Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. On scrutiny, we find that the petitioner has no requisite qualification (having no B.Ed. degree and less than 50% in aggregate) to be appointed as Assistant Teacher, Bengali. Sudip Kumar Maity. D.I. of Schools has specifically stated that no intimation/permission of the D.I. of Schools was ever taken by the Managing Committee of the Madrasah for the recruitment of the petitioner. On the contrary, the D.I. of Schools produced the declaration made by previous Teacher-in-Charge, Md. Abdul Rafique Khan that the petitioner was not known to him and was not associated with the Madrasah in any capacity. The D.I. of Schools further stated that there was no Managing Committee and as such the then Teacher-in-Charge gave a declaration that there was no Resolution Book of the Madrasah from 2016 to 2019. The present Teacher-in-Charge, Nuruddin Mondal has filed such declaration of the previous Teacher-in-Charge. One written submission was filed under the signature of Nuruddin Mondal. Nuruddin Mondal, the Teacher-in-Charge specifically stated that one Parvez Ahmed Mallick son of member of Zilla Parishad forcibly took his signature on such written submission and he had no idea about the contents of the written submission or about the copies of the resolution and documents attached with such written submission. The Superintendent Nuruddin Mondal had no knowledge about the appointment of the petitioner. The copies of resolution filed along with such written submission could not be verified due to non-production of the original Resolution Book. Such copies are also not certified by any competent authority. Moreover, the previous Teacher-in-Charge has stated that there was no Managing Committee for years together in the Madrasah. The present Teacher-in-Charge was forced by one Parvez Ahmed Mallick son of the member of Zilla Parishad to sign on Work Done Certificate and out of ^{fear} ~~love~~ he was compelled to sign on Work Done Certificate. In fact, the petitioner never worked in the Madrasah. There is no signature of the petitioner in the Attendance Register from 2020 till 2022. The Teacher-in-Charge also never had the occasion to go through the original Resolution Book for the period from 2015 to 31.12.2019. It is, therefore, apparent that in a desperate attempt to legalize the appointment of the petitioner, who had no requisite qualification to be appointed as Asst. Teacher, the Teacher-in-Charge was terrorized to issue Work Done Certificate and to sign on a written submission under the pressure of one Parvez Ahmed Mallick.

The D.I. of Schools also filed a report stating inter-alia that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

SR
01/8/22

OBSERVATION

Selima Yeasmin, Assistant Teacher (UG) :- As per the petitioner, she has been working in the J.H.R. SR. Madrasah, Malda as an Assistant Teacher, (Under Graduate) in J.H.R. SR. Madrasah, Malda, since 12/02/2018. The petitioner herself stated that she completed as regular student in the Academic Year of 2017-2018 D.L.Ed course from Chanchal Teachers Training College and obtained D.L.Ed. degree in the year 2019. She never appeared in any written examination for being recruited as a teacher.

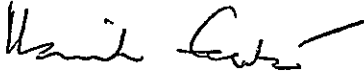
The Resolution referred in her appointment letter being Special Meeting No. SPL-04/JHRSM/2018 dated 07/02/2018, does not find place in the original Resolution Book. Abdul Wajed, the Superintendent of the Madrasah, categorically stated that there was no Resolution by which the petitioner was recruited following the Rules of Recruitment and he was pressurized to issue the Work Done Certificate.

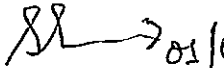
The District Inspector of Schools, Malda, also corroborated that the petitioner was never recruited following the Rules of Recruitment.

The Superintendent submitted number of documents along with his report addressed to the D.I. of Schools dated 12/09/2022 and thereby stated about the actual status of the petitioner.

Under the circumstances stated above, we find that the petitioner, Selima Yeasmin was a regular student in the year 2018 and it was not possible on her part as school time teacher without having the requisite qualification, she was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah (having no signature in the Attendance Register).


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Hasanul Jamal, Assistant Teacher (UG) :- As per the appointment letter, the petitioner was appointed in terms of Special Meeting No. SPL-01/JHRSM/2016 dated 07/01/2016 of the Managing Committee. We do not find any such Resolution in the original Resolution Book whereby the petitioner was appointed following the Rules of Recruitment and on the strength of the alleged Resolution.

Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher (Under Graduate) and he did not appear in any written examination for being recruited as Assistant Teacher in the Madrasah. Moreover, it was not possible on his part, to work as school time teacher, at the relevant point of time, he was pursuing the D.L.Ed. degree from Chanchal Teachers Training College as a regular student in the Academic Session of 2016-2018 and obtained the degree in the year 2019. There is no signature of the petitioner in the Attendance Register.

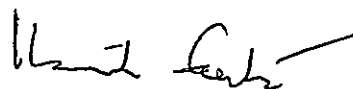
The D.I. of schools and the Superintendent, have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment.

The Superintendent submitted number of documents along with his report addressed to the D.I. of School dated 12/09/2022 and thereby stated the status of the petitioner.

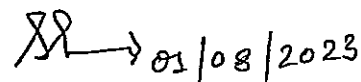
Under such circumstances stated above, we have no hesitation to say that the petitioner, Hasanul Jamal was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah (having no signature in the Attendance Register).



1) Justice Debi Prosad Dey
(Chairman)



2) Shri Manish Gupta 01/08/2023
(Member)



3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Wasim Tarik, Assistant Teacher (UG) :- As per the petitioner, he was appointed on 09/01/2017 and he has been working in the J.H.R. SR. Madrasah, Malda, since then as Assistant Teacher (Under Graduate).


Admittedly, the petitioner has no D.L.Ed. degree on the date of his alleged appointment but, at the relevant point of time, he was pursuing his D.L.Ed. degree from Chanchal Teachers Training College as a regular student in the Academic Session of 2016-2018 and ultimately, obtained degree in the year 2019. He did not appear in any written examination for being recruited as a teacher in the Madrasah.

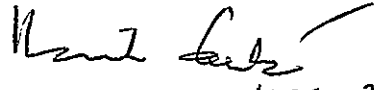
We do find any Resolution in the original Resolution Book being Special Meeting No. SPL-02/JHRSM/2017 dated 03/01/2017 whereby the petitioner was appointed as Assistant Teacher in the Madrasah.

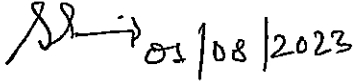
The D.I. of schools and the Superintendent, have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No, 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah.

The Superintendent submitted number of documents along with his report addressed to the D.I. of School dated 12/09/2022 and thereby stated the status of the petitioner.

Under such circumstances stated above, we have no hesitation to say that the petitioner, Md. Wasim Tarik was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah.


1) Justice Debi Prasad Dey
(Chairman)


2) Shri Manish Gupta
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

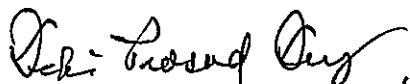
Nasrin Jahan, Assistant Teacher (UG) :- The petitioner is claiming herself to be appointed as Assistant Teacher (U.G) of J.H.R. SR. Madrasah, Malda. As per the statement of the petitioner, she was appointed on 03 01 2017 and she has been working since 09/01/2017 without having any D.L.Ed. degree at the time of her alleged appointment in the Madrasah. The petitioner was pursuing as a regular student her D.L.Ed. degree from Chanchal Teachers Training College in the Academic Session of 2016-2018 and obtained degree in the year 2019.

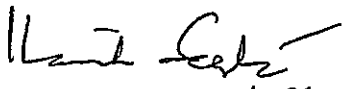
On scrutiny of the Resolution Book, we also do not find any Resolution Book being Special Meeting No. SPL-02-JHRSM/2017 dated 03/01/2017 on the strength of such Resolution, the petitioner was recruited as Assistant Teacher.

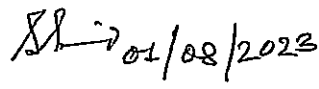
The Superintendent of the Madrasah and the D.I. of Schools have unequivocally stated that the petitioner was never recruited in the Madrasah following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. There is no signature of the petitioner in the Attendance Register. The petitioner had no requisite qualification to be appointed as Assistant Teacher on the date of her alleged appointment.

The Superintendent submitted number of documents along with his report addressed to the D.I. of School dated 12/09/2022 and thereby stated the status of the petitioner.

Considering the materials on record, as well as the statement of the petitioner, Superintendent and the D.I. of School and after verifying all the documents produced by the parties, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah.


1) Justice Debi Prosad Dey 01/08/2022
(Chairman)


2) Shri Manish Gupta 01/08/2022
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

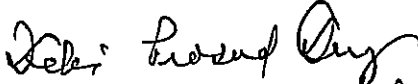
Selim Aktar, Group-D:- The petitioner is claiming himself as Group-D employee of J.H.R. SR. Madrasah and that he has been working there since 27/02/2017.


Admittedly, he did not appear in any written examination. Admittedly, the then Secretary of the Madrasah, Jalaluddin is his father. His father was present in the Interview Board. It is, therefore, apparent that being the son of the Secretary of the Managing Committee, he was directly given appointment without complying the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

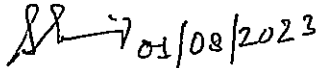
Abdul Wajed, the Superintendent of the Madrasah did not grant any Work Done Certificate. The Superintendent and the D.I. of School have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah that goes to show that he never worked in the Madrasah. We also do not find any Resolution being Spl. Meeting No. SPL-03/JHRSM/2017 dated 24/07/2017 in the original Resolution Book by which allegedly, the petitioner was appointed as Group-D employee.

The Superintendent submitted number of documents along with his report addressed to the D.I. of School dated 12/09/2022 and thereby stated the status of the petitioner.

Under such circumstances stated above, we are of the considered view that the petitioner, Selim Aktar was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah. Being the son of the Secretary of the Managing Committee, he has manufactured some papers in a desperate move to legalize his appointment.


1) Justice Debi Prosad Dey 01/08/23
(Chairman)


2) Shri Manish Gupta 07/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION


Wasim Reja, Group-C (Clerk) :- As per the petitioner, he has been working as Group-C (Clerk) of J.H.R. SR. Madrasah. Malda, since 17/02/2016. He also stated that he never appeared in any written examination but he was recruited as temporary non-teaching staff on 17/03/2015 and thereafter, as per the order of the Hon'ble High Court, the Managing Committee issued appointment letter in his favour under Management Quota.

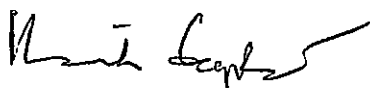
We do not find any Resolution in the Resolution Book to the effect that Wasim Reja was recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09-02-2015.

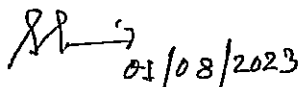
Abdul Wajed, the Superintendent and Sujit Samanta, the D.I. of School, Malda have unequivocally stated that he was forced to sign on the Work Done Certificate of the petitioner, Wasim Reja and there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah.

The Superintendent submitted number of documents along with his report addressed to the D.I. of School dated 12-09-2022 and thereby stated the status of the petitioner.

Under such circumstances stated above, we have no hesitation to say that the petitioner, Wasim Reja was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14-2013 dated 09-02-2015 and he never worked in the Madrasah.


1) Justice Debi Prosad Dey
(Chairman)


2) Shri Manish Gupta
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

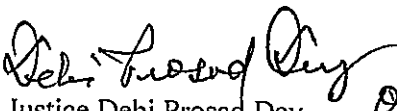
OBSERVATION


Md. Ebrahim, Assistant Teacher, Theology (H/PG) :- As per the petitioner, he was recruited as Assistant Teacher, Theology (H/PG) on 11/02/2016. The petitioner further stated that he had no B.Ed. degree on the date of his joining in the Madrasah. He used to work in the Madrasah as temporary teacher since 2015 and thereafter, on 11/02/2016, the Management issued appointment letter in his favour. The petitioner never appeared in any written examination or before any interview board for being recruited as teacher in the Madrasah.

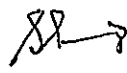
Admittedly, the petitioner having no requisite qualification, to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. being 93-SE/S/10R-14/2013 dated 09/02/2015. The said fact has been corroborated by the Superintendent of the Madrasah, Abdul Wajed and Sujit Samanta, the D.I. of the School, Malda. Abdul Wajed, the Superintendent further stated that he was forced to sign on the Work Done Certificate of Md. Ebrahim and there is nothing in the Resolution Book about the appointment of the petitioner following the Rules of Recruitment. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah.

The Superintendent submitted number of documents along with his report addressed to the D.I. of School dated 12/09/2022 and thereby stated the status of the petitioner.

Under such circumstances stated above, we are of the considered view that the petitioner, Md. Ebrahim was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah. The separate Attendance Register produced by the petitioner cannot be taken into consideration for not being certified by the Headmaster or any appropriate authority of the Madrasah.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Md. Robiul Islam, Assistant Teacher, History (Pass) :- The petitioner, Md. Robiul Islam did not turn up despite issuance and receipt of notices from this Committee on successive occasions. There is no appointment letter or any other documents in the written representation of the petitioner to accept that he was legally recruited as an Assistant Teacher of History (Pass) in J.H.R. SR. Madrasah, Malda. The Superintendent of J.H.R. SR. Madrasah, has also stated that he had no acquaintance with the petitioner and the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. The District Inspector of Schools, Malda, has also corroborated such statement of the Superintendent.

The Superintendent submitted number of documents along with his report addressed to the D.I. of Schools dated 12/09/2022 and thereby stated the status of the petitioner.

Under the circumstances stated above, we have no hesitation to say that the petitioner, Md. Robiul Islam was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah (having no signature in the official Attendance Register).

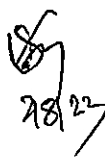
- 1) Justice Debi Prosad Dey
(Chairman) 09/08/2023
- 2) Shri Manish Gupta
(Member) 07/08/2023
- 3) Shri Sripati Mukhopadhyay
(Member) 05/02/2023

OBSERVATION

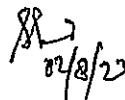
Suraiya Zamil, Assistant Teacher, Pure Science (Pass) : The petitioner is claiming that she being recruited on the strength of letter of appointment dated 26.08.2019. She has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legalize her appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

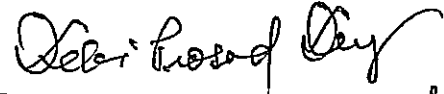

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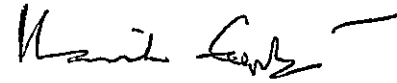

02/8/23

The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

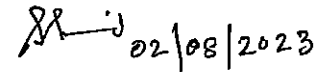
Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.



1. Justice Debi Prosad Dey 02/08/23
(Chairman)



2. Shri Manish Gupta 02/08/2023
(Member)

 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

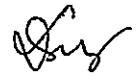
Dr. Rozina Khatun, Assistant Teacher, History (Pass) : The petitioner is claiming that she being recruited on the strength of letter of appointment dated 26.08.2019. She has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD O 2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legalize her appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

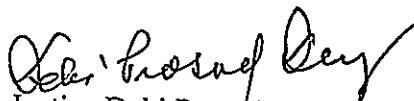

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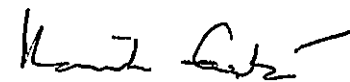

02/08

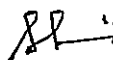

02/8/23

The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 01/08/23


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Safiur Rahman, Assistant Teacher, Arabic (Pass) : The petitioner is claiming that he being recruited on the strength of letter of appointment dated 26.08.2019. He has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD O 2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legalize his appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

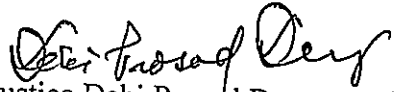
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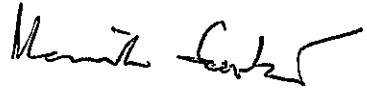
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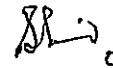
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The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


1. Justice Debi Prosad Dey 02/08/23
(Chairman)


2. Shri Manish Gupta 02/08/23
(Member)


3. Shri Sripati Mukhopadhyay 02/08/23
(Member)

OBSERVATION

Md. Ashraful Haque, Assistant Teacher, Arabic (Pass) : The petitioner is claiming that he being recruited on the strength of letter of appointment dated 26.08.2019. He has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In the view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to regularise his appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

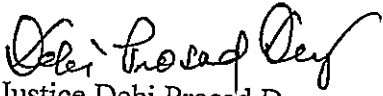
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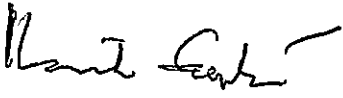
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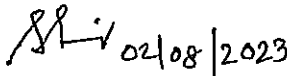
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The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Md. Rafique Mandal, Assistant Teacher, Theology (H/PG) : The petitioner is claiming that he being recruited on the strength of letter of appointment dated 26.08.2019. He has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD O 2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to

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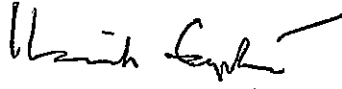
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legalize his appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)

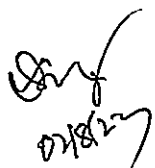

3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

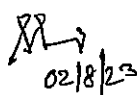
OBSERVATION

Sk. Tamijuddin, Assistant Teacher, Theology (Pass) : The petitioner is claiming that he being recruited on the strength of letter of appointment dated 26.08.2019. He has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD O 2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to


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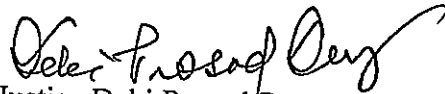

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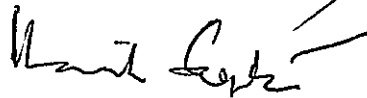


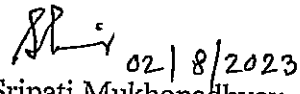
legalize his appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

OBSERVATION

Ushuf Seikh, Assistant Teacher, Arabic (Pass) : The petitioner is claiming that he being recruited on the strength of letter of appointment dated 26.08.2019. He has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legitimize his appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

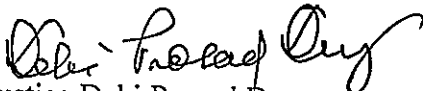
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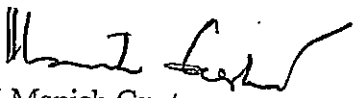
16/08/23

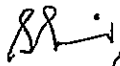
16/08/23

The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023

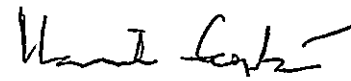

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

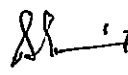
OBSERVATION

Md. Ismail, Group – C (Clerk) : As per the statement of the petitioner, he has been working in the Madrasah purely on voluntary basis on and from 19.05.2014 and the secretary being satisfied about his devotion of work issued an appointment letter in his favour on 30.05.2018. As per the admission of the petitioner, he was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolution dated 07.05.2018 & 25.06.2018 also do not depict that the recruitment rules as per Govt. Notification were strictly followed. The D.I. of Schools by submitting a report has also categorically stated that the Rules of Recruitment were never complied with/followed by the Madrasah at the time of alleged appointment of the petitioner. In that view of this case, the Attendance Register or the Work Done Certificate issued by the Teacher-in-Charge would be of no help to the petitioner to establish that he was recruited following the Rules of Recruitment.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked as Legally Recruited employee of the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)

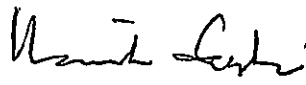

3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)


OBSERVATION

Sk. Aniqul Islam, Group - D : As per the statement of the petitioner, he has been working in the Madrasah purely on voluntary basis on and from 19.05.2014 and the secretary being satisfied about his devotion of work issued an appointment letter in his favour on 30.05.2018. As per the admission of the petitioner, he was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolution dated 07.05.2018 & 25.06.2018 also do not depict that the recruitment rules as per Govt. Notification were strictly followed. The D.I. of Schools by submitting a report has also categorically stated that the Rules of Recruitment were never complied with/followed by the Madrasah at the time of alleged appointment of the petitioner. In that view of this case, the Attendance Register or the Work Done Certificate issued by the Teacher-in-Charge would be of no help to the petitioner to establish that he was recruited following the Rules of Recruitment.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked as Legally Recruited employee of the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

Ahammod Hossain, Assistant Teacher, Bengali (Pass) : The petitioner is claiming that he being recruited on the strength of letter of appointment dated 26.08.2019. He has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD O 2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legalize his appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

02/8/23

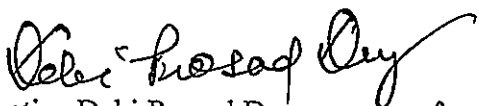
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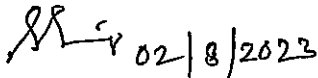
The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

The Teacher-in-Charge, Bodrul Alam has admitted that the Managing Committee was not recognized on the date of appointment of the petitioner and the Hon'ble High Court did not permit the Managing Committee to recruit any Teacher on such date.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/8/2023

OBSERVATION

Mohosina Khatun, Assistant Teacher, English (Pass) : The petitioner is claiming that she has been recruited on the strength of letter of appointment dated 26.08.2019. She has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have seen through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legalize her appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

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02/8/23

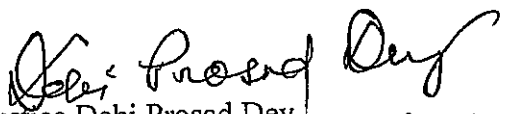
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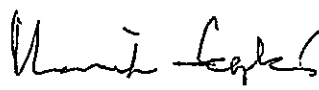
SR
02/8/23

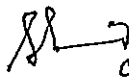
The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

The Teacher-in-Charge, Bodrul Alam has admitted that the Managing Committee was not recognized on the date of appointment of the petitioner and the Hon'ble High Court did not permit the Managing Committee to recruit any Teacher on such date.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.

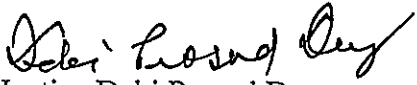

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023



2. Shri Manish Gupta 02/08/2023
(Member)

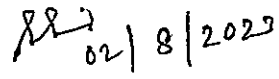

3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

Md. Sariful Islam, Group-C (Clerk): The Petitioner is claiming himself as Group-C (Clerk) of Imdadul Ulum Sr. Madrasah (Fazil) and he has been working since 24.02.2016. As per the statement of the Petitioner, he was directly given appointment by the Secretary without following the Rules of Recruitment. Teacher-in-charge of the Madrasah stated that the Petitioner was appointed as temporary employee in the Madrasah on 27.04.2016. There is no resolution to show that following the Rules of Recruitment the Petitioner was recruited by the Madrasah. In absence of any signature of the Petitioner on the official Attendance Register, we cannot hold that he has been working since 24.02.2016. The Work Done Certificate issued by the Secretary/President cannot be accepted in view of the statement of the Teacher-in-charge that the Petitioner was appointed as temporary employee of the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

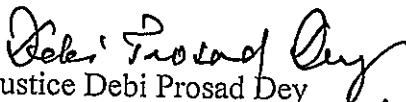

2. Shri Manish Gupta 02/08/2023
(Member)

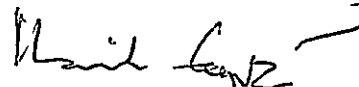

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

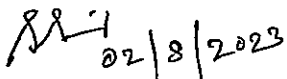
OBSERVATION

Md. Safiul Alam, Group-D: The Petitioner is claiming himself as Night Guard of Imdadul Ulum Sr. Madrasah (Fazil) and he has been working since 23.02.2016. The Teacher-in-charge has stated that the Petitioner was appointed on temporary basis as Night Guard and there was no resolution that the Petitioner was recruited following the Rules of Recruitment procedure. The D.I. of Schools, Malda also corroborated such statement of Teacher-in-charge.

Having regard to the facts and circumstances of the case and in absence of any material resolution about compliance of recruitment rules, we do hold that the Petitioner was never appointed following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the Petitioner never worked in the Madrasah.

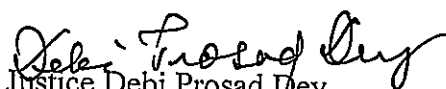

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023



2. Shri Manish Gupta 02/08/2023
(Member)

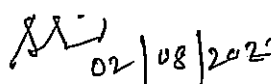

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Selim Sk, Group-D: The Petitioner is claiming himself as Group-D Peon of Imdadul Ulum Sr. Madrasah (Fazil) and he also claiming that, he has been working since 25.02.2016. As per the statement of the Petitioner, he was directly given appointment by the Secretary without following the Rules of Recruitment. Teacher In-charge of the Madrasah stated that the Petitioner was appointed as temporary employee in the Madrasah on 27.04.2016. There is no resolution to show that following the Rules of Recruitment the Petitioner was recruited by the Madrasah. In absence of any signature of the Petitioner on the official Attendance Register, we cannot hold that he has been working since 25.02.2016. The Work Done Certificate issued by the Secretary/President cannot be accepted in view of the statement of the Teacher In-charge that the Petitioner was appointed as temporary employee of the Madrasah.

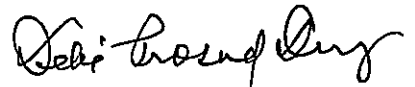

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

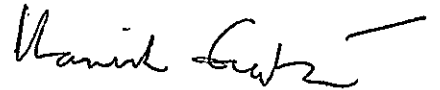
Sk. Mahfuz Rahaman, the petitioner is claiming to himself be an Assistant Teacher of Environment Science of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, he was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge, Md. Abu Taleb Mallick ^{had} ~~has~~ been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge ^{Shri} never saw the petitioner to working as an Assistant Teacher. There is no reflection in the Resolution Book that any resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher Envs. Lastly, no signature of the petitioner ^{is} ~~is~~ seen in the Attendance Register to prove that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner also had no requisite qualification to be appointed as Assistant Teacher Envs. Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated. He was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. He never worked in the said Madrasah.



1. Justice Debi Prosad Dey

(Chairman)

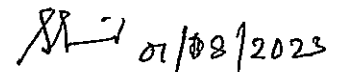
01/08/2023



2. Shri Manish Gupta

(Member)

01/08/2023



3. Shri Sripati Mukhopadhyay

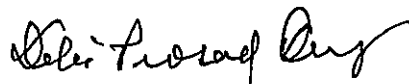
(Member)

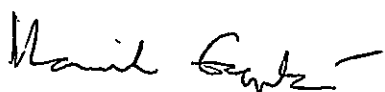
3. Shri Sripati Mukhopadhyay
(Member)


OBSERVATION

Mukim Ali Shah, the petitioner is claiming himself as Group-C clerk of M.S.D.U. Dogachia Sr. Madrasah. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 25.01.2003 and he has specifically stated that the petitioner was never recruited following the Rules of Recruitment being no. 93-SE/S/10-14/2013 dated 09.02.2015 and never worked in the Madrasah. On scrutiny of the Resolution Book of the Managing Committee, we do not find any such resolution being Special Meeting No. 01 dated 26.02.2016 on the strength of the petitioner is claiming to have been appointed. The D.I. of Schools, Paschim Medinipur corroborated such statement of the Teacher-in-charge by filing a specific report against the petitioner. We do not find the signature of the petitioner in the official Attendance Register produced by the Teacher-in-charge.

Considering the materials produced by the petitioner as well as by the Teacher-in-charge and D.I. of Schools, Paschim Medinipur, we are of considered opinion that the claim of the petitioner is fake and fabricated. The petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015 and he never worked in the said Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

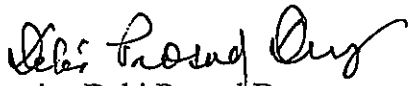

2. Shri Manish Gupta 01/08/2023
(Member)


 01/08/2023
3. Shri Sripati Mukhopadhyay
(Member)

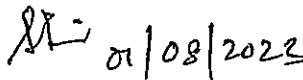
OBSERVATION

Sk. Jahangir Alam, the petitioner is claiming himself as Assistant Teacher History (pass) of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, he was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge never saw the petitioner to work as Assistant Teacher (History). There is no reflection in the Resolution Book that in such resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge has also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher History. Lastly, there is no signature of the petitioner in the Attendance Register so as to accept that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner also had no requisite qualification to be appointed as Assistant Teacher History.

Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated and he was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. He never worked in the said Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Rojina Khatun, the petitioner is claiming herself as Assistant Teacher English (pass) of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, she was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge never saw the petitioner to work as Assistant Teacher English. There is no reflection in the Resolution Book that in such resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge has also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher English. Lastly, there is no signature of the petitioner in the Attendance Register so as to accept that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner also had no requisite qualification to be appointed as Assistant Teacher English.

Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated and she was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. She never worked in the said Madrasah.

Debi Prosad Dey

1. Justice Debi Prosad Dey *01/08/2023*
(Chairman)

Manish Gupta

2. Shri Manish Gupta *01/08/2023*
(Member)

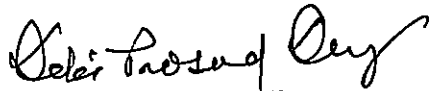
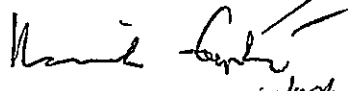
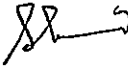
Shri Sripati Mukhopadhyay

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Rajina Khatun, the petitioner is claiming himself as Assistant Teacher Bengali (pass) of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, she was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge never saw the petitioner to work as Assistant Teacher (History). There is no reflection in the Resolution Book that in such resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge has also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher Bengali. Lastly, there is no signature of the petitioner in the Attendance Register so as to accept that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner also had no requisite qualification to be appointed as Assistant Teacher Bengali.

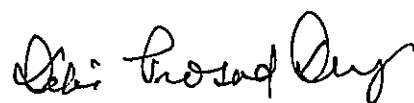
Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated and she was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. She never worked in the said Madrasah.

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1. Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 
2. Shri Manish Gupta
(Member) 01/08/2023
- 
3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

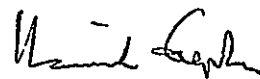
OBSERVATION

Mirja Mahammad Atik. the petitioner is claiming himself as Assistant Teacher Pure Science (pass) of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, he was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge. Md. Abu Taleb Mallick has been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge never saw the petitioner to work as Assistant Teacher Pure Science. There is no reflection in the Resolution Book that in such resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge has also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher Pure Science. Lastly, there is no signature of the petitioner in the Attendance Register so as to accept that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner also had no requisite qualification to be appointed as Assistant Teacher Pure Science, since, he obtained only 23.66 % in his Part-I B.Sc examination and had no B.Ed degree on the date of his alleged appointment.

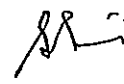
Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated and he was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. He never worked in the said Madrasah.



1. Justice Debi Prosad Dey 01/08/2023
(Chairman)



2. Shri Manish Gupta 01/08/2023
(Member)

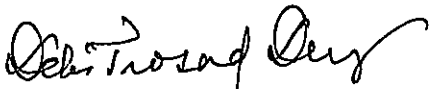
 01/8/2023


3. Shri Sripati Mukhopadhyay
(Member)

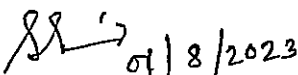
OBSERVATION

Sk. Sadekul Islam, the petitioner is claiming himself as Assistant Teacher Bengali (pass) of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, he was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge never saw the petitioner to work as Assistant Teacher Bengali. There is no reflection in the Resolution Book that in such resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge has also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher Bengali. Lastly, there is no signature of the petitioner in the Attendance Register so as to accept that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner also had no requisite qualification to be appointed as Assistant Teacher Bengali.

Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated and he was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. He never worked in the said Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

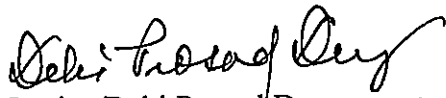

2. Shri Manish Gupta 01/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

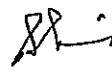
OBSERVATION

Sk. Misbahur Rahaman, the petitioner is claiming himself as Group-D staff of M.S.D.U. Dogachia Sr. Madrasah. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 25.01.2003 and he has specifically stated that the petitioner was never recruited following the Rules of Recruitment being no. 93-SE/S/10-14/2013 dated 09.02.2015 and never worked in the Madrasah. On scrutiny of the Resolution Book of the Managing Committee, we do not find any such resolution being Special Meeting No. 01 dated 26.02.2016 on the strength of ^{which} the petitioner is claiming to have been appointed. The D.I. of Schools, Paschim Medinipur corroborated such statement of the Teacher-in-charge by filing a specific report against the petitioner. We do not find the signature of the petitioner in the official Attendance Register produced by the Teacher-in-charge.

Considering the materials produced by the petitioner as well as by the Teacher-in-charge and D.I. of Schools, Paschim Medinipur, we are of considered opinion that the claim of the petitioner is fake and fabricated. The petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015 and he never worked in the said Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

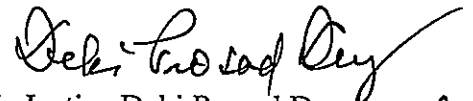

2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

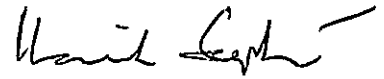
Mirza Ibrahim Ali, the petitioner is claiming himself as Group-C clerk of M.S.D.U. Dogachia Sr. Madrasah. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 25.01.2003 and he has specifically stated that the petitioner was never recruited following the Rules of Recruitment being no. 93-SE/S/10-14/2013 dated 09.02.2015 and never worked in the Madrasah. On scrutiny of the Resolution Book of the Managing Committee, we do not find any such resolution being Special Meeting No. 01 dated 26.02.2016 on the strength of ^{which} the petitioner is claiming to have been appointed. The D.I. of Schools, Paschim ^{SI} Medinipur corroborated such statement of the Teacher-in-charge by filing a specific report against the petitioner. We do not find the signature of the petitioner in the official Attendance Register produced by the Teacher-in-charge.

Considering the materials produced by the petitioner as well as by the Teacher-in-charge and D.I. of Schools, Paschim Medinipur, we are of considered opinion that the claim of the petitioner is fake and fabricated. The petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015 and he never worked in the said Madrasah.



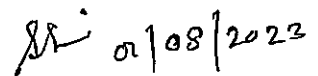
1. Justice Debi Prosad Dey
(Chairman)

01/08/2023



2. Shri Manish Gupta
(Member)

07/08/2023

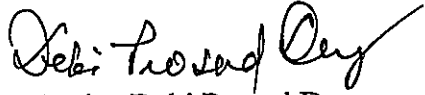


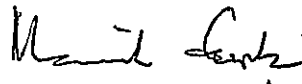
3. Shri Sripati Mukhopadhyay
(Member)

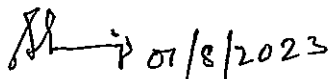
OBSERVATION

Sk. Abdulla, the petitioner is claiming himself as Assistant Teacher (Primary Sec.) of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, he was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge never saw the petitioner to work as Assistant Teacher (Primary Sec.) There is no reflection in the Resolution Book that in such resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge has also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher (Primary Sec.). Lastly, there is no signature of the petitioner in the Attendance Register so as to accept that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner also had no requisite qualification to be appointed as Assistant Teacher (Primary Sec.).

Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated and he was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. He never worked in the said Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

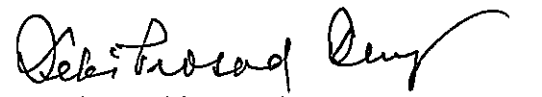

2. Shri Manish Gupta 01/08/2023
(Member)

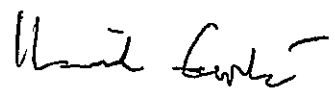

3. Shri Sripati Mukhopadhyay
(Member)

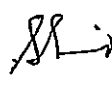
OBSERVATION

A. H. MD. Alberuni, the petitioner is claiming himself as Assistant Teacher Work Education (pass) of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, he was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge never saw the petitioner to work as Assistant Teacher Work Education. There is no reflection in the Resolution Book that in such resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge has also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher Work Education. Lastly, there is no signature of the petitioner in the Attendance Register so as to accept that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner had requisite qualification to be appointed as Assistant Teacher Work Education.

Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated and he was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. He never worked in the said Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2022

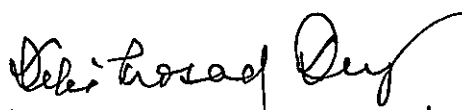

2. Shri Manish Gupta 01/08/2022
(Member)

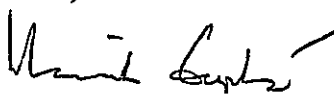

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2022

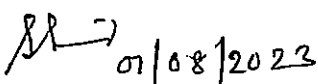
OBSERVATION

Md. Abbasuddin Sardar, the petitioner is claiming himself as Assistant Teacher (Primary Sec.) of M.S.D.U. Dogachia Sr. Madrasah. As per petitioner, he was appointed as per Special Meeting No. 1 dated 26.02.2016 adopted by the Managing Committee. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 2003 as Assistant Teacher. The Teacher-in-charge never saw the petitioner to work as Assistant Teacher (Primary Sec.). There is no reflection in the Resolution Book that in such resolution dated 26.02.2016 was adopted by the Managing Committee for the recruitment of the petitioner. The Teacher-in-charge has also produced the staff pattern where from it transpired that there was no such vacancy of Assistant Teacher (Primary Sec.). Lastly, there is no signature of the petitioner in the Attendance Register so as to accept that the petitioner has been working since 2016. No Work Done Certificate has been granted by previous Teacher-in-charge, Hafizur Rahaman or the present In-charge Mr. Abu Taleb Mallick in favour of the petitioner. D.I. of Schools, Paschim Medinipur has also stated that there is no document in his office to establish that the petitioner was recruited following the Rules of Recruitment. The petitioner also had no requisite qualification to be appointed as Assistant Teacher (Primary Sec.).

Considering the materials produced by the petitioner as well as the documents produced by the D.I. of Schools, Paschim Medinipur and the Teacher-in-charge of M.S.D.U Dogachia Sr. Madrasah, we have no hesitation to hold the view that the claim of the petitioner is fake and fabricated and he was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015. He never worked in the said Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

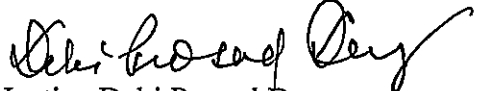

2. Shri Manish Gupta 01/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

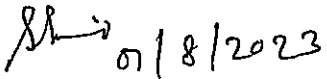
OBSERVATION

Tridibesh Das, the petitioner is claiming himself as Group-D staff of M.S.D.U. Dogachia Sr. Madrasah. The Teacher-in-charge, Md. Abu Taleb Mallick has been working in the Madrasah since 25.01.2003 and he has specifically stated that the petitioner was never recruited following the Rules of Recruitment being no. 93-SE/S/10-14/2013 dated 09.02.2015 and never worked in the Madrasah. On scrutiny of the Resolution Book of the Managing Committee, we do not find any such resolution being Special Meeting No. 01 dated 26.02.2016 on the strength of ^{which} the petitioner is claiming to have been appointed. The D.I. of Schools, Paschim Medinipur corroborated such statement of the Teacher-in-charge by filing a specific report against the petitioner. We do not find the signature of the petitioner in the official Attendance Register produced by the Teacher-in-charge.

Considering the materials produced by the petitioner as well as by the Teacher-in-charge and D.I. of Schools, Paschim Medinipur, we are of considered opinion that the claim of the petitioner is fake and fabricated. The petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10-14/2013 dated 09.02.2015 and he never worked in the said Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 21/08/2023


2. Shri Manish Gupta 07/08/2023
(Member)

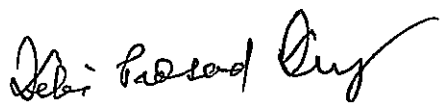

3. Shri Sripati Mukhopadhyay
(Member)

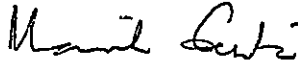
OBSERVATION

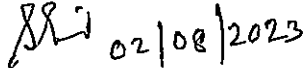
Md. Rakibul Hasan Mondal, Assistant Teacher Arabic (H/PG): As per Resolution dated 15.02.2016, the petitioner is claiming that he was appointed by the Madrasah vide Spl. Meeting No. SPL-01/K.A.H.M (H.S) /2016 dated 20.02.2016 and he has been working in the Madrasah since 24.02.2016. The Work Done Certificate issued apparently by the Headmaster upto 08.09.2022 is the only document to show that the petitioner had been working in the Madrasah. As per petitioner, the Secretary of the Madrasah simply handed over the Appointment Letter to him and he never appeared in written examination.

Md. Zakir Hossain Molla, the Headmaster has also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and no intimation/permission was given/obtained from the D.I. of Schools, North 24 Parganas of the alleged appointment of the petitioner. We do not find any such Resolution as mentioned in the Appointment Letter of the petitioner from the original Resolution Book of the Managing Committee. We also do not find any signature of the petitioner in the official Attendance Register and the signature of the Headmaster on the Work Done Certificate. In view of such specific statement of the Headmaster ^{Work Done Certificate is} appears to have been manufactured and cannot be relied on.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never attended the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

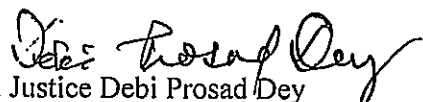

2. Shri Manish Gupta 02/08/2023
(Member)

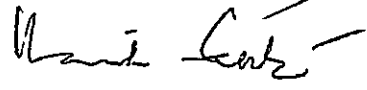

3. Shri Sripati Mukhopadhyay
(Member)

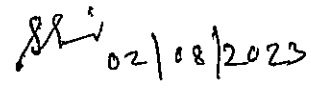
OBSERVATION

Azad Rahman, Assistant Teacher English (Pass): The petitioner as per Resolution dated 15.02.2016 belongs to OBC category and accordingly he is entitled to get 5% relaxation in aggregate of graduation in estimating the requisite qualification. The petitioner is claiming that he was appointed by the Madrasah vide Spl. Meeting No. SPL-01/K.A.H.M (H.S) /2016 dated 20.02.2016 and he has been working in the Madrasah since 24.02.2016. The Work Done Certificate issued apparently by the Headmaster upto 08.09.2022 is the only document to show that the petitioner had been working in the Madrasah. As per petitioner, the Secretary of the Madrasah simply handed over the Appointment Letter to him and he never appeared in written examination. Md. Zakir Hossain Molla, the Headmaster has also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and no intimation/permission was given/obtained from the D.I. of Schools, North 24 Parganas of the alleged appointment of the petitioner. We do not find any such Resolution as mentioned in the Appointment Letter of the petitioner from the original Resolution Book of the Managing Committee. We also do not find any signature of the petitioner in the official Attendance Register and the signature of the Headmaster on the Work Done Certificate. In view of such specific statement of the Headmaster ^{Work Done Certificate} appears to have been manufactured and cannot be relied on.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never attended the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)

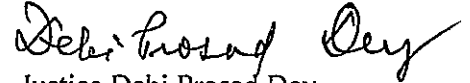

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Marium Khatun, Assistant Teacher Bengali (H/PG) : As per Resolution dated Spl-01/K.A.H.M (H.S) /2016 dated 20.02.2016, the petitioner is claiming that she has been appointed as per Special Meeting dated 20.02.2016. On scrutiny of the Resolution Book, we do not find any such Resolution adopted by the Managing Committee on 20.02.2016. The Appointment Letter of the petitioner has been manufactured with an imaginary number and date of the Resolution of the Managing Committee. The petitioner has had no requisite qualification to be appointed as Assistant Teacher of Bengali. As per the petitioner, the Managing Committee simply handed over the Appointment Letter to her and she never appeared in any written examination or before any Interview Board for being recruited as Teacher. There is no signature of the petitioner in the official Attendance Register. The Headmaster and ADI, Basirhat have unequivocally stated that the petitioner never worked in the Madrasah and never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the madrasah and was never recruited following the Rules of Recruitment as per

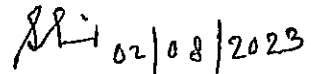
Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.



1. Justice Debi Prosad Dey
(Chairman) 02/08/2023



2. Shri Manish Gupta
(Member) 02/08/2023

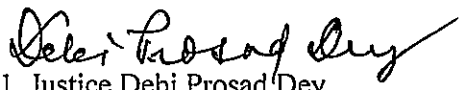


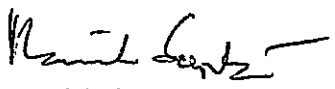
3. Shri Sripati Mukhopadhyay
(Member)

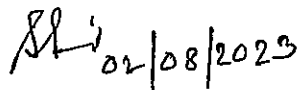
OBSERVATION

Mijanur Rahman, Group-D: The claim of the petitioner is that he was recruited as per Resolution of the Managing Committee dated 15.02.2016. On careful scrutiny of the original Resolution Book, we do not find any Resolution dated 15.02.2016, on the strength of which the petitioner was appointed. There is no signature of the petitioner in the official Attendance Register. The petitioner, himself, admitted that the Secretary of the Madrasah handed over the Appointment Letter to him. The Headmaster and A.D.I of Schools, North 24 Parganas have unequivocally stated that the petitioner was recruited without following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Md. Salauddin Gazi, Group-D: The claim of the petitioner is that he was recruited as per Resolution of the Managing Committee dated 15.02.2016. On careful scrutiny of the original Resolution Book, we do not find any Resolution dated 15.02.2016, on the strength of which the petitioner was appointed. There is no signature of the petitioner in the official Attendance Register. The petitioner, himself, admitted that the Secretary of the Madrasah handed over the Appointment Letter to him. The Headmaster and A.D.I of Schools, North 24 Parganas have unequivocally stated that the petitioner was recruited without following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. *and she never worked in the Madrasah*

Debi Prosad Dey
1. Justice Debi Prosad Dey
(Chairman) *02/08/2023*

Manish Gupta
2. Shri Manish Gupta *02/08/2023*
(Member)

Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member) *02/08/2023*

OBSERVATION

Amzad Ali Sardar, Group-D : The claim of the petitioner is that he was recruited as per Resolution of the Managing Committee dated 15.02.2016. On careful scrutiny of the original Resolution Book, we do not find any Resolution dated 15.02.2016, on the strength of which the petitioner was appointed. There is no signature of the petitioner in the official Attendance Register. The petitioner, himself, admitted that the Secretary of the Madrasah handed over the Appointment Letter to him. The Headmaster and A.D.I of Schools, North 24 Parganas have unequivocally stated that the petitioner was recruited without following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. *and he never worked in the Madrasah. a*

Debi Prosad Dey

1. Justice Debi Prosad Dey
(Chairman) *02/08/2023*

Manish Gupta

2. Shri Manish Gupta *02/08/2023*
(Member)

Sri Sripati Mukhopadhyay
02/8/2023

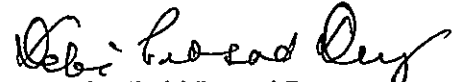
3. Shri Sripati Mukhopadhyay
(Member)

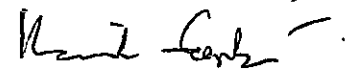
OBSERVATION

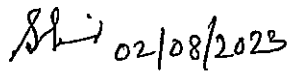
Kamal Hossain Gazi, Assistant Teacher Chemistry (H/PG): As per Resolution dated 15.02.2016, the petitioner having no requisite qualification was appointed as Assistant Teacher Chemistry by the Madrasah without following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. On scrutiny of the Resolution Book, we do not find any such Resolution adopted by the Managing Committee on 20.02.2016. The Appointment Letter of the petitioner has been manufactured with an imaginary number and date of the Resolution of the Managing Committee. The petitioner has had no requisite qualification to be appointed as Assistant Teacher of Bengali. As per the petitioner, the Managing Committee simply handed over the Appointment Letter to her and she never appeared in any written examination or before any Interview Board for being recruited as Teacher. There is no signature of the petitioner in the official Attendance Register. The Headmaster and ADI, Basirhat have unequivocally stated that the petitioner never worked in the Madrasah and was never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the madrasah and was never recruited following the Rules of Recruitment as per

Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)

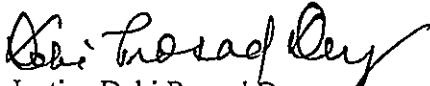

3. Shri Sripati Mukhopadhyay
(Member)

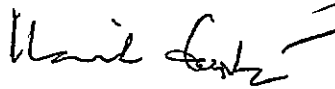
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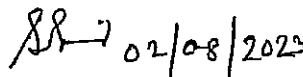
Md. Hasanuzzaman, Assistant Teacher Arabic (H/PG): As per Resolution dated 15.02.2016, the petitioner having no requisite qualification was appointed as Assistant Teacher Arabic by the Madrasah without following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. On scrutiny of the Resolution Book, we do not find any such Resolution adopted by the Managing Committee on 20.02.2016. The Appointment Letter of the petitioner has been manufactured with an imaginary number and date of the Resolution of the Managing Committee. The petitioner has had no requisite qualification to be appointed as Assistant Teacher of Bengali. As per the petitioner, the Managing Committee simply handed over the Appointment Letter to her and she never appeared in any written examination or before any Interview Board for being recruited as Teacher. There is no signature of the petitioner in the official Attendance Register. The Headmaster and ADI, Basirhat have unequivocally stated that the petitioner never worked in the Madrasah and never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the madrasah and was never recruited following the Rules of Recruitment as per

Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)

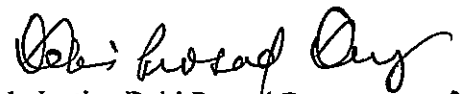

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Mustafir Ahmed, Assistant Teacher Physical Education (Pass): As per Resolution dated 15.02.2016, the petitioner is claiming that he was appointed by the Madrasah vide Spl. Meeting No. SPL-01/K.A.H.M (H.S) /2016 dated 20.02.2016 and he has been working in the Madrasah since 24.02.2016. The Work Done Certificate issued apparently by the Headmaster upto 08.09.2022 is the only document to show that the petitioner had been working in the Madrasah. As per petitioner, the Secretary of the Madrasah simply handed over the Appointment Letter to him and he never appeared in written examination.

Md. Zakir Hossain Molla, the Headmaster has also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and no intimation/permission was given/obtained from the D.I. of Schools, North 24 Parganas of the alleged appointment of the petitioner. We do not find any such Resolution as mentioned in the Appointment Letter of the petitioner from the original Resolution Book of the Managing Committee. We also do not find any signature of the petitioner in the official Attendance Register and the signature of the Headmaster on the Work Done Certificate. In view of such specific statement of the Headmaster/^{Work Done Certificate} appears to have been manufactured and cannot be relied on.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never attended the Madrasah.



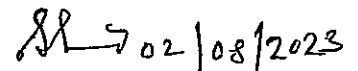
1. Justice Debi Prosad Dey
(Chairman)

02/08/2023



2. Shri Manish Gupta
(Member)

02/08/2023



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Zehira Khatoon, Assistant Teacher English (Pass): As per Resolution dated 15.02.2016, the petitioner is claiming that she was appointed by the Madrasah vide Spl. Meeting No. SPL-01 K.A.H.M (H.S) /2016 dated 20.02.2016 and she has been working in the Madrasah since 24.02.2016. The Work Done Certificate issued apparently by the Headmaster upto 08.09.2022 is the only document to show that the petitioner had been working in the Madrasah. As per petitioner, the Secretary of the Madrasah simply handed over the Appointment Letter to her and she never appeared in written examination.

Md. Zakir Hossain Molla, the Headmaster has also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and no intimation/permission was given/obtained from the D.I. of Schools, North 24 Parganas of the alleged appointment of the petitioner. We do not find any such Resolution as mentioned in the Appointment Letter of the petitioner from the original Resolution Book of the Managing Committee. We also do not find any signature of the petitioner in the official Attendance Register and the signature of the Headmaster on the Work Done Certificate. In view of such specific statement of the Headmaster ^{Work Done Certificate} appears to have been manufactured and cannot be relied on.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never attended the Madrasah.

Debi Prosad Dey

1. Justice Debi Prosad Dey 02/08/2023
(Chairman)

Manish Gupta

2. Shri Manish Gupta 02/08/2023
(Member)

Shri Sripati Mukhopadhyay

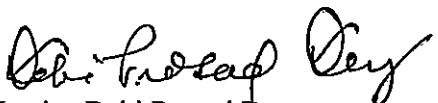
3. Shri Sripati Mukhopadhyay
(Member)

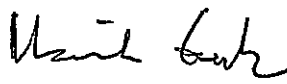
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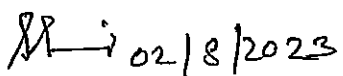
Sk. Sariful Alam, Assistant Teacher Work Education (Pass): The petitioner has had no relevant subject of Work Education in the syllabus of his Graduation and that's why he has had no requisite qualification to be appointed as Assistant Teacher Work Education. As per Resolution dated 15.02.2016, the petitioner is claiming that he was appointed by the Madrasah vide Spl. Meeting No. SPL-01/K.A.H.M (H.S) /2016 dated 20.02.2016 and he has been working in the Madrasah since 24.02.2016. The Work Done Certificate issued apparently by the Headmaster upto 08.09.2022 is the only document to show that the petitioner had been working in the Madrasah. As per petitioner, the Secretary of the Madrasah simply handed over the Appointment Letter to him and he never appeared in written examination.

Md. Zakir Hossain Molla, the Headmaster has also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and no intimation/permission was given/obtained from the D.I. of Schools, North 24 Parganas of the alleged appointment of the petitioner. We do not find any such Resolution as mentioned in the Appointment Letter of the petitioner from the original Resolution Book of the Managing Committee. We also do not find any signature of the petitioner in the official Attendance Register and the signature of the Headmaster on the Work Done Certificate. In view of such specific statement of the Headmaster ^{the work Done certificate is} appears to have been manufactured and cannot be relied on.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never attended the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

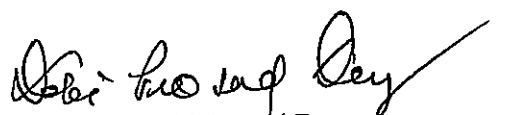

2. Shri Manish Gupta 02/08/2023
(Member)

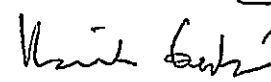

3. Shri Sripati Mukhopadhyay
(Member)

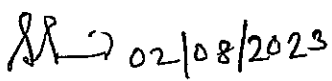
OBSERVATION

Sk. Jahangir Alam, Assistant Teacher Pure Science (Pass): As per Resolution dated 15.02.2016, the petitioner is claiming that he was appointed by the Madrasah vide Spl. Meeting No. SPL-01/K.A.H.M (H.S) /2016 dated 20.02.2016 and he has been working in the Madrasah since 24.02.2016. The Work Done Certificate issued apparently by the Headmaster upto 08.09.2022 is the only document to show that the petitioner had been working in the Madrasah. As per petitioner, the Secretary of the Madrasah simply handed over the Appointment Letter to him and he never appeared in written examination. Md. Zakir Hossain Molla, the Headmaster has also stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and no intimation/permission was given/obtained from the D.I. of Schools, North 24 Parganas of the alleged appointment of the petitioner. We do not find any such Resolution as mentioned in the Appointment Letter of the petitioner from the original Resolution Book of the Managing Committee. We also do not find any signature of the petitioner in the official Attendance Register and the signature of the Headmaster on the Work Done Certificate. In view of such specific statement of the Headmaster ^{Work Done Certificate} appears to have been manufactured and cannot be relied on.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never attended the Madrasah.

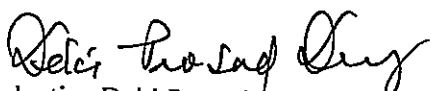

1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

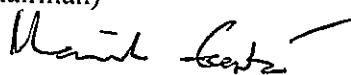

2. Shri Manish Gupta 02/08/2023
(Member)

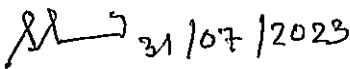

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Riajul Bhuian Assistant, Teacher, Arabic (Pass) is claiming himself to be a regular Asstt. Teacher of Lalbandh Hossainia Sr. Madrasah, Bankura. He also admitted that he never appeared in any written examination or never appeared before any Interview Board for being recruited as a Teacher of Lalbandh Hossainia Sr. Madrasah, Bankura. It is evident that he could not file any work done certificate on and from 01/04/2021 till date. There is no direction of the Hon'ble Supreme Court to appoint the incumbent concerned in C.A. No. 5808/2017 dated 17/05/2018. He has no requisite qualification on the date of his alleged appointment since he acquired B.Ed. Degree in the year 2021. In the year 2018, the Recruitment Rules published in Kolkata Gazette Notification dated 04/03/2016 (486-MD/O/2M-11/2016 dated 03/03/2016) were applicable but, the Rules were never followed by the Recruitment Authority. Resolution No. 9/2019 dated 03/09/2019 of the Managing Committee reveals that the present incumbent including other eight persons were appointed "As teacher on contractual voluntary basis". The Superintendent of Lalbandh Hossainia Sr. Madrasah, Bankura stated that the Managing Committee wanted to recruit teachers by publishing in the Newspaper but, District Inspector of School, Bankura vide letter no. 3304/S rejected such proposal holding *inter alia* that SLP No. 6661/2016 was pending before the Hon'ble Supreme Court. The Managing Committee challenged the said decision of D.I. of School, Bankura but, the Hon'ble High Court in WPA No. 17914/2018 rejected such Writ Petition imposing exemplary cost of Rs. One Lakh. After going through the claim of the petitioner, Riajul Bhuian, we find that his claim is not maintainable in law and he was never recruited following Recruitment Rules as Teacher of Lalbandh Hossainia Sr. Madrasah, Bankura. No Resolution was found in favour of his claim. On the contrary, he was recruited on contractual voluntary basis on 03/09/2019. No signature of the incumbent was found in the official attendance register. The claim of Riajul Bhuian has to be rejected for the reason mentioned in the foregoing paragraph. In absence of any signature of Riajul Bhuian in the official attendance register, we may safely conclude that the appointment letter, joining letter of Riajul Bhuian were manufactured and he never worked as regular teacher in the Lalbandh Hossainia Sr. Madrasah, Bankura. The D.I of Schools who submitted a report stating *inter alia* that Riajul Bhuian was never recruited as permanent employee following rules of recruitment.


1) Justice Debi Prosad Dey 31/07/2023
(Chairman)

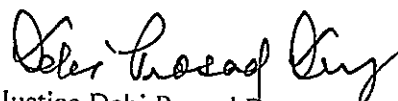

2) Shri Manish Gupta 31/07/2023
(Member)

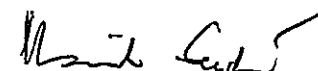

3) Shri Sripati Mukhopadhyay
(Member)

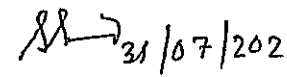
OBSERVATION

Oliullah Mallick, Assistant Teacher (UG) never appeared in any written examination or before any Interview Board for being recruited as a Teacher of Lalbandh Hossainia Sr. Madrasah, Bankura. He could not produce any Work Done Certificate from 01/04/2021 till date. Insan Ali Khan, the present Teacher-in-charge of Lalbandh Hossainia Sr. Madrasah, Bankura categorically stated by referring Meeting No. 9/2019 dated 03/09/2019 of Resolution that the incumbent was appointed on contractual voluntary basis on 03/09/2019. Apparently, the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with and the incumbent was never recruited following the Recruitment Rules mentioned above.

Therefore, we candidly say that Oliullah Mallick was never recruited following the Recruitment Rules as Assistant Teacher of Lalbandh Hossainia Sr. Madrasah, Bankura and his claim as Assistant Teacher of the said Madrasah is not maintainable. He is not entitled to get any relief as legally recruited teacher of Lalbandh Hossainia Sr. Madrasah, Bankura. His claim as Assistant Teacher is not maintainable in law and he is not entitled to get any relief. In absence of any Resolution of the Managing Committee and signature of the incumbent in the official attendance register, it may safely be stated that the letter of appointment dated 20/12/2018 and the joining report dated 24/12/2018 were manufactured and the incumbent never worked in the Madrasah under reference as legally recruited teacher. His claim is not maintainable.


1) Justice Debi Prosad Dey
(Chairman) 31/07/2023

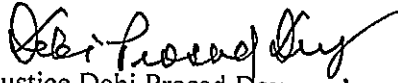

2) Shri Manish Gupta 31/07/2023
(Member)

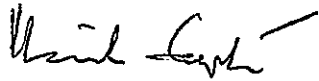

3) Shri Sripati Mukhopadhyay
(Member) 31/07/2023

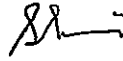
OBSERVATION

Niladri Mishra Asstt. Teacher, History (H/PG) is claiming to have been recruited in terms of the Hon'ble Supreme Court order dated 17/05/2018 in CA No. 5808/2017. On scrutiny of such order of the Hon'ble Supreme Court, we do not find any such direction of the Hon'ble Supreme Court. Admittedly, Niladri Mishra never appeared in any written examination or appeared before any Interview Board for being recruited as a Teacher. Niladri Mishra also could not produce any work done certificate since his alleged joining on 24/12/2018. The alleged work done certificate does not bear any signature of Teacher-in-Charge but, the said document is coloured Photostat copy. As per Meeting No. 9/2019 dated 03/09/2019, Niladri Mishra was temporarily recruited on contractual voluntary basis as teacher without following the Rules of Recruitment.

In absence of any Resolution and the signature of the incumbent in the official attendance register as well as work done certificate from the incumbent authority, it may be safely stated that Niladri Mishra was never recruited following the Rules of Recruitment 486-MD/O/2M-11/2016 dated 03/03/2016. The letter of appointment, joining letter and other documents filed by Niladri Mishra appears to have been manufactured. The claim of Niladri Mishra as Assistant Teacher, History (H/PG) of Lalbandh Hossainia Sr. Madrasah, Bankura is not maintainable in law and he is not entitled to get any relief as prayed for.

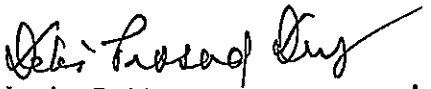

1) Justice Debi Prosad Dey 31/07/2023
(Chairman)

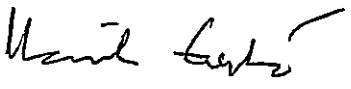

2) Shri Manish Gupta 31/07/2023
(Member)

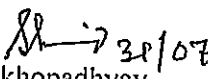

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Dayamoy Kari Assistant Teacher, Bengali (H/PG). He has admitted that he used to work as temporary teacher prior to 24/12/2018. He could not produce any original work done certificate to establish that he ever worked as Asstt. Teacher at Lalbandh Hossainia Sr. Madrasah, Bankura. No such direction was given by the Hon'ble Supreme Court in C.A.No. 5808/2017 to appoint Mr. Dayamoy Kari as Assistant Teacher. In view of meeting No. 9/2018 dated 03/09/2019 Dayamoy Kari was appointed purely on temporary basis as a contractual teacher on 03/09/2019. The claim of Dayamoy Kari that he has been working since 24/12/2018 is not correct. The rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied this in matters of recruitment of Dayamoy Kari. The letter of appointment and joining letter of Dayamoy Kari have been manufactured. In short, the claim of Dayamoy Kari as legally recruited teacher of Lalbandh Hossainia Sr. Madrasah, Bankura is not maintainable in law and he is not entitled to get any relief in the matter under reference. The Superintendent, Md. Insan Ali Khan and District Inspector of School, Bankura (by producing a report) has categorically stated that Dayamoy Kari was never recruited as teacher following recruitment rules in the year 2018. The claim of Dayamoy Kari is not maintainable in law and he is not entitled to get any relief in the matter under reference.


1) Justice Debi Prosad Dey 31/07/2023
(Chairman)



2) Shri Manish Gupta 31/07/2023
(Member)

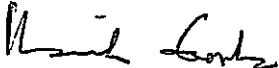

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

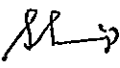
OBSERVATION

Sunanda Dana Assistant Teacher, Social Science (Pass). She could not produce any document to establish that he had B.Ed. degree on the date of her alleged recruitment or that she was recruited as Asstt. Teacher Social Science Group following Recruitment Rules No.486-MD/O/2M-11/2016 dated 03/03/2016. We do not find any Resolution in the Resolution Book of the Managing Committee to establish that Recruitment Rules being No. 486-MD/O/2M-11/2016 dated 03/03/2016 were followed/complied with by the Managing Committee in the alleged recruitment of Sunanda Dana.

Meeting No. 9/2019 dated 03/09/2019 reveals that Sunanda Dana was recruited temporarily purely on contractual basis without following the rules of recruitment. She could not produce any work done certificate from the Teacher In-charge of the Madrasah. We do not find her signature in the official attendance register. Md. Insan Ali Khan, Superintendent of the Madrasah and D.I. of Schools, Bankura (by filing report) have categorically stated that Sunanda Dana was never recruited following the recruitment rules and she never worked as legally recruited teacher in Lalbandh Hossainia Sr. Madrasah, Bankura. The letter of appointment and joining letter and Photostat copies of work done certificate appears to have been manufactured for the purpose of this verification process. The claim of Sunanda Dana is not maintainable in law and she is not entitled to get any relief as prayed for.

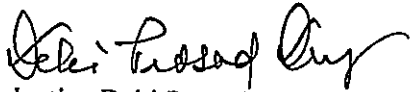
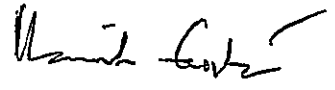
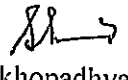

1) Justice Debi Prosad Dey
(Chairman) 31/07/2023


2) Shri Manish Gupta 31/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

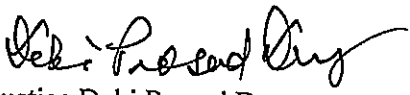
OBSERVATION

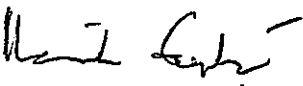
Admittedly, Sk.Samaun Assistant Teacher, Bengali (Pass) was never recruited following the Recruitment Rules being No. 486-MD/O/2M-11/2016 dated 03/03/2016. He could not produce any document to show that he used to work as Assistant Teacher since 24/12/2018 or that work done certificate was granted in his favour by the Superintendent of Lalbandh Hossainia Sr. Madrasah. On careful scrutiny of the Resolution Book, we do not find any whisper about recruitment of Sk.Samaun following Recruitment Rules being no. 486-MD/O/2M-11/2016 dated 03/03/2016. There is no signature of Sk.Samaun in the official attendance register. Md. Insan Ali Khan, Superintendent of Lalbandh Hossainia Sr. Madrasah has also stated that Sk.Samaun never worked as Assistant Teacher of the Madrasah. The D.I. of School, Bankura also stated by filing a report that Sk.Samaun was never recruited as Assistant Teacher of the Madrasah following Recruitment Rules being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The letter of appointment, joining report and the coloured Xerox of work done certificate have been prepared for the purpose of the verification process. He was never recruited following the Recruitment Rules being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he is not entitled to get any relief as prayed for.

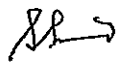
- 
1) Justice Debi Prosad Dey
(Chairman) 31/07/2023
- 
2) Shri Manish Gupta 31/07/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Abdul Hamid Khan had claimed himself to be Group 'C' employee of Lalbandh Hossainia Sr. Madrasah. There is absolutely no resolution in the official resolution book that Abdul Hamid Khan was recruited as Group-'C' employee of Lalbandh Hossainia Sr. Madrasah following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. He could not produce any work done certificate or any document to show that he used to work as Gr-'C' in that Madrasah. Md. Insan Ali Khan, the Superintendent of Lalbandh Hossainia Sr. Madrasah relying on Meeting No. 9/2019 dated 03/09/2019 stated that Abdul Hamid Khan was appointed purely contractual basis as clerk on 03/09/2019 but in fact, he never worked as clerk of the Madrasah. D.I. of Bankura by filing report has also stated that Abdul Hamid Khan was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. The letter of appointment, joining report and Photostat copy of work done certificate have been manufactured for the purpose of verification process. He was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he is not entitled to get any relief as prayed for.


1) Justice Debi Prosad Dey
(Chairman) 21/07/2023

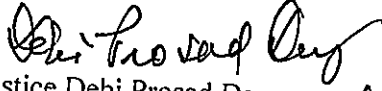

2) Shri Manish Gupta
(Member) 21/07/2023

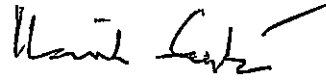

3) Shri Sripati Mukhopadhyay
(Member) 21/07/2023

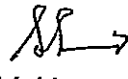
OBSERVATION

Sirajul Bayen Group-D. He has admitted that he was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016. He could not produce any document to establish that he ever was recruited or worked in Lalbandh Hossainia Sr. Madrasah as Gr.'D' employee. He also could not produce any attendance register/certified copy of attendance register or any original work done certificate to establish that he used to work in the Lalbandh Hossainia Sr. Madrasah as Gr.'D' employee. Md. Insan Ali Khan the Superintendent of Lalbandh Hossainia Sr. Madrasah by referring meeting no. 9/2019 dated 03/09/2019 has categorically stated that Sirajul Bayen was recruited purely on contractual basis on 03.09.2019 but he never worked in the Lalbandh Madras as Gr.'D' employee. The joining report, appointment letter and the Photostat copy of work done certificate have been manufactured for the purpose of this verification process. The Hon'ble Supreme Court never directed in C.A. No. 5808/2017 to appoint Sirajul Bayen as Gr.'D' employee. The D.I. of Schools Bankura has also filed a report stating *inter alia* that no Gr-'D' employee was recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016.

We have no hesitation to say that Sirajul Bayen never worked as Gr-'D' employee and he was never recruited following the rules of recruitment in the Lalbandh Hossainia Sr. Madrasah, Bankura. The claim of Sirajul Bayen as Gr.'D' employee of Lalbandh Hossainia Sr. Madrasah is not maintainable and he is not entitled to get any relief as prayed for.


1) Justice Debi Prosad Dey
(Chairman) 31/07/2023

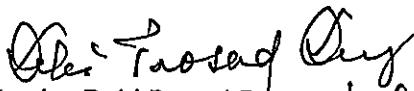
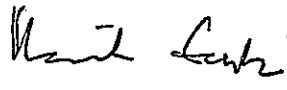
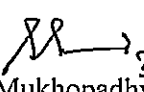

2) Shri Manish Gupta
(Member) 31/07/2023


3) Shri Sripati Mukhopadhyay
(Member) 31/07/2023

OBSERVATION

Rumpa Dey Assistant Teacher(UG). Admittedly, Rumpa Dey never appeared in any written examination or before any Interview Board for being recruited as Teacher of in Lalbandh Hossainia Sr. Madrasah, Bankura. She further admitted that she used to work as temporary Teacher in Lalbandh Hossainia Sr. Madrasah, Bankura prior to 24/12/2018. She could not file the original attendance register to show that she used to work in the Madrasah as legally recruited teacher. There is no direction of the Hon'ble Supreme Court in C.A.No. 5808/2017 to appoint Rumpa Dey as Assistant Teacher of in Lalbandh Hossainia Sr. Madrasah, Bankura. Md. Insan Ali Khan, Superintendent of Lalbandh Hossainia Sr. Madrasah, Bankura stated by referring meeting No. 9/2018 dated 03.09.2019 that Rumpa Dey was appointed purely on temporary and contractual basis, but she never worked as Assistant Teacher in Lalbandh Hossainia Sr. Madrasah, Bankura. No signature of Rumpa Dey was found in the attendance register. D.I. of School Bankura also submitted a report stating *inter alia* that Rumpa Dey was never recruited following Recruitment rules as Assistant Teacher in Lalbandh Hossainia Sr. Madrasah, Bankura.

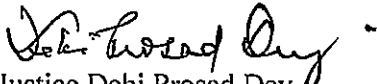
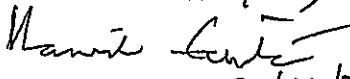
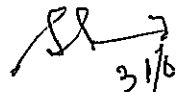
The letter of appointment, joining report and the coloured Photostat of work done certificate have been prepared for the purpose of the verification process and such documents have been manufactured. She has not been legally recruited following Recruitment Rules being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she has not entitled to get any relief in terms of her prayer.

- 
1) Justice Debi Prosad Dey 21/07/2023
(Chairman)
- 
2) Shri Manish Gupta 21/07/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay 21/07/2023
(Member)

OBSERVATION

Swati Mandal, Assistant Teacher (Under Graduate) is claiming herself to be a regular Assistant Teacher of Lalbandh Hossainia Sr. Madrasah, Bankura. She also admitted that she never appeared in any written examination or never appeared before any Interview Board for being recruited as a Teacher of Lalbandh Hossainia Sr. Madrasah, Bankura. It is evident that she could not file any Work Done Certificate on and from 01/04/2021 till date. There is no direction of the Hon'ble Supreme Court to appoint the incumbent concerned in C.A. No. 5808/2017 dated 17/05/2018. She had no requisite qualification on the date of her alleged appointment since he acquired B.Ed. Degree in the year 2021. In the year 2018, the Recruitment Rules published in Kolkata Gazette Notification dated 04/03/2016 (486-MD/O/2M-11/2016 dated 03/03/2016 dated 03/03/2016) were applicable but, the Rules were never followed by the Recruitment Authority. Resolution No. 9/2019 dated 03/09/2019 of the Managing Committee reveals that the present incumbent including other eight persons were appointed "As teacher on contractual voluntary basis". The Superintendent of Lalbandh Hossainia Sr. Madrasah, Bankura stated that the Managing Committee wanted to recruit teachers by publishing in the Newspaper but, District Inspector of School, Bankura vide letter no. 3304/S rejected such proposal holding *inter alia* that SLP No. 6661/2016 was pending before the Hon'ble Supreme Court. The Managing Committee challenged the said decision of D.I. of School, Bankura but, the Hon'ble High Court in W.P. No. 17914/2018 rejected such Writ Petition imposing exemplary cost of Rs. One Lakh.

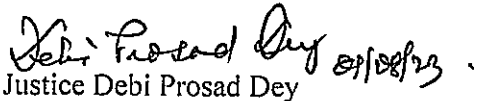
After going through the claim of the petitioner, Swati Mandal, we find that her claim is not maintainable in law and she was never recruited following Recruitment Rules as Teacher of Lalbandh Hossainia Sr. Madrasah, Bankura. No Resolution was found in favour of her claim. On the contrary, she was recruited on contractual voluntary basis on 03/09/2019. No signature of the incumbent was found in the official Attendance Register. The claim of Swati Mandal has to be rejected for the reason mentioned in the foregoing paragraph. In absence of any signature of Swati Mandal in the official Attendance Register, we may safely conclude that the appointment letter, joining letter of Swati Mandal were manufactured and she never worked as regular teacher in the Lalbandh Hossainia Sr. Madrasah, Bankura. The D.I of Schools submitted a report stating *inter alia* that Swati Mandal was never recruited as permanent employee following rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 dated 03/03/2016.

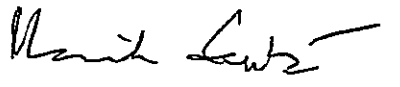
- 
1) Justice Debi Prosad Dey
(Chairman) 28/07/2023
- 
2) Shri Manish Gupta 31/07/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay
(Member) 31/07/2023

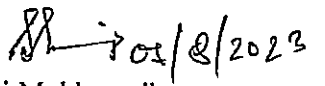
OBSERVATION

Sahinur Rahaman Sardar, Assistant Teacher, Bengali (H/PG)): As per Managing Committee Meeting No. 12 dated 29.08.2019, the petitioner was appointed directly as Assistant Teacher of Bengali and accordingly the petitioner joined the Madrasah on 11.09.2019. On careful scrutiny of the original Resolution Book produced by the Superintendent, Rakibul Islam, we do not find any such Resolution dated 29.08.2019. That clearly goes to say that the petitioner has based his claim on some imaginary Resolution of the Managing Committee. There is no signature of the petitioner in the official attendance register produced by the Superintendent of the Madrasah and A.D.I, Basirhat have categorically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016

Under the circumstances stated above, we are of considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never attended the Madrasah (having no signature in the Official attendance register).


1. Justice Debi Prosad Dey
(Chairman)


2. Shri Manish Gupta
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Abdul Kaiyum Mondal, Assistant Teacher Arabic (H/PG)): The petitioner having no requisite qualification to be appointed as Assistant Teacher in Arabic and claimed himself as Assistant Teacher (Arabic) of the Madrasah appointed as per Managing Committee Meeting No. 12 dated 29.08.2019 and joined the said Madrasah on 11.09.2019.

The Work Done Certificate has been granted for the period from 11.09.2019 till 30.09.2019 and no Work Done Certificate has been granted by Md. Rakibul Islam, Superintendent of Madrasah. We do not find any Resolution vide Managing Committee Meeting No. 12 dated 29.08.2019 in the original Resolution Book and also we do not find the signature of the petitioner in the official Attendance Register.

In the premises set-forth above, we are of the considered opinion that the petitioner having no requisite qualification was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never attended the Madrasah. The Work Done Certificate appears to have been manufactured and for only 20 days have been granted by some unauthorized person.

Debi Prosad Dey 01/08/23

1. Justice Debi Prosad Dey
(Chairman)

Manish Gupta 01/08/2023

2. Shri Manish Gupta
(Member)

Shri Sripati Mukhopadhyay 01/8/2023

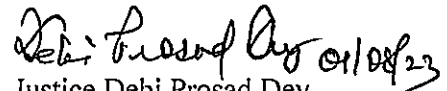
3. Shri Sripati Mukhopadhyay
(Member)


OBSERVATION


Ummey Habiba, Assistant Teacher Bengali (Pass): The petitioner having no requisite qualification to be appointed as Assistant Teacher in Bengali and claimed herself as Assistant Teacher (Bengali) of the Madrasah appointed as per Managing Committee Meeting No. 12 dated 29.08.2019 and joined the said Madrasah on 11.09.2019.

The Work Done Certificate has been granted for the period from 11.09.2019 till 30.09.2019 and no Work Done Certificate has been granted by Md. Rakibul Islam, Superintendent of Madrasah. We do not find any Resolution vide Managing Committee Meeting No. 12 dated 29.08.2019 in the original Resolution Book and also we do not find the signature of the petitioner in the official Attendance Register.

In the premises set-forth above, we are of the considered opinion that the petitioner having no requisite qualification was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and she never attended the Madrasah. The Work Done Certificate appears to have been manufactured and have been granted by some unauthorized person only before 20 days.


1. Justice Debi Prosad Dey
(Chairman)


2. Shri Manish Gupta
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sazia Karim, Assistant Teacher Geography (H/PG)): The petitioner did not turn up despite issuance of several notices. On the strength of Managing Committee Meeting No. 12 dated 29.08.2019, the petitioner is claiming herself that she has been appointed as Assistant Teacher (Geography) in Katia S.R. Ali Sr. Madrasah. On scrutiny of the original Resolution Book, we do not find any such Resolution dated 29.08.2019. Md. Rakibul Islam, Superintendent of Madrasah and Santa Das, A.D.I, Basirhat has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, we have no hesitation to say that Sazia Karim was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and she never worked in the Madrasah (having no signature in the official Attendance Register).

Debi Prosad Dey 1/8/23

1. Justice Debi Prosad Dey
(Chairman)

Manish Gupta

2. Shri Manish Gupta
(Member)

01/08/2023

Shri Sripati Mukhopadhyay 01/8/2023

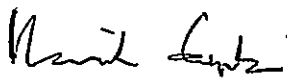
3. Shri Sripati Mukhopadhyay
(Member)

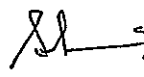
OBSERVATION

Abu Hossain Sardar, Assistant Teacher Arabic (Pass): As per Managing Committee Meeting No. 12 dated 29.08.2019, the petitioner was appointed directly as Assistant Teacher of Arabic (pass) and accordingly the petitioner joined the Madrasah on 11.09.2019. On careful scrutiny of the original Resolution Book produced by the Superintendent, Rakibul Islam, we do not find any such Resolution dated 29.08.2019. That clearly goes to say that the petitioner has based his claim on some imaginary Resolution of the Managing Committee. There is no signature of the petitioner in the official Attendance Register produced by the Superintendent of the Madrasah and A.D.I, Basirhat have categorically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never attended the Madrasah (having no signature in the Official Attendance Register).


1. Justice Debi Prosad Dey 01/8/2023
(Chairman)


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Md. Jahangir Sardar, Group-C (Clerk) : On the basis of Managing Committee Meeting No. 12 dated 29.08.2019 and Work Done Certificate issued by the Secretary and Asstt. Superintendent In-charge for the period from 11.09.2019 to 30.09.2019, the petitioner is claiming that he was appointed as Group-C (clerk) employee and he has been working in the Madrasah since then. The original Resolution Book produced by the Superintendent, Md. Rakiful Islam does not reveal in such meeting No.12 dated 29.08.2019 of the Managing Committee.

Secondly, the Superintendent, Md. Rakibul Islam being In-charge of the Madrasah did not grant any Work Done Certificate. We also do not find the signature of the petitioner in the official Attendance Register maintained by the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016.

Debi Prosad Dey 01/08/23
1. Justice Debi Prosad Dey
(Chairman)

Manish Gupta 01/08/2023
2. Shri Manish Gupta
(Member)

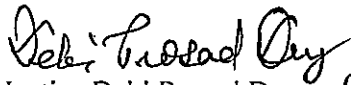
Sri Sripati Mukhopadhyay 01/08/2023
3. Shri Sripati Mukhopadhyay
(Member)

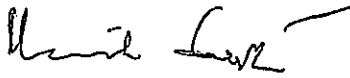
OBSERVATION

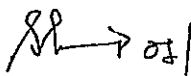
Ebrahim Gain, Group-D : On the basis of Managing Committee Meeting No. 12 dated 29.08.2019 and Work Done Certificate issued by the Secretary and Asstt. Superintendent In-charge for the period from 11.09.2019 to 30.09.2019, the petitioner is claiming that he was appointed as Group-D employee and he has been working in the Madrasah since then. The original Resolution Book produced by the Superintendent, Md. Rakiful Islam does not reveal in such meeting No.12 dated 29.08.2019 of the Managing Committee.

Secondly, the Superintendent. Md. Rakibul Islam being In-charge of the Madrasah did not grant any Work Done Certificate. We also do not find the signature of the petitioner in the official Attendance Register maintained by the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016.

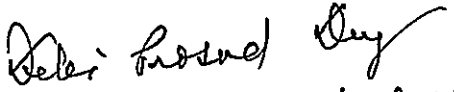

1. Justice Debi Prosad Dey 09/08/23
(Chairman)

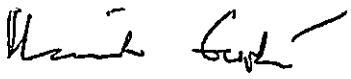

2. Shri Manish Gupta 07/08/2023
(Member)

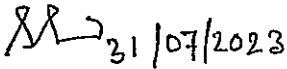

3. Shri Sripati Mukhopadhyay 05/08/2023
(Member)

OBSERVATION

Mainuddin Mandal, Group 'D':- District Inspector of Schools, Bankura and Jahangir Khan, the then Teacher-in-charge of Kethardanga High Madrasah, Bankura have unequivocally stated that Mainuddin Mandal, was not recruited as Group 'D' employee following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03.03.2016. Resolution Book being No. 105 dated 02.02.2019 reveals that since he was working as casual employee before 02.02.2019, the Managing Committee decided to appoint him directly as Group 'D' employee. The Work Done Certificate also does not find support from the entries made in the official attendance register. The separate attendance register does not bear the signature of the Headmaster / Teacher-in-charge but, the same appears to have been manufactured for the purpose of verification. It may safely be stated that Mainuddin Mandal was not legally recruited as Group 'D' employee following the Rules of Recruitment.

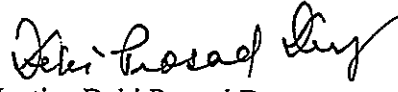

1) Justice Debi Prosad Dey 31/07/2023
(Chairman)

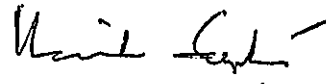

2) Shri Manish Gupta 31/07/2023
(Member)

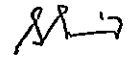

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Motibul Dalal, Group 'D':- District Inspector of Schools, Bankura and Jahangir Khan, the then Teacher-in-charge of Kethardanga High Madrasah, Bankura have unequivocally stated that Motibul Dalal was not recruited as Group 'D' employee following the Rules of Recruitment being No. 486-MD O 2M-11.2016 dated 03.03.2016. Resolution Book being No. 105 dated 02.02.2019 reveals that since he was working as casual employee before 02.02.2019, the Managing Committee decided to appoint him directly as Group 'D' employee. The Work Done Certificate also does not find support from the entries made in the official attendance register. The separate attendance register does not bear the signature of the Headmaster / Teacher-in-charge but, the same appears to have been manufactured for the purpose of verification. It may safely be stated that Motibul Dalal was not legally recruited as Group 'D' employee following the Rules of Recruitment

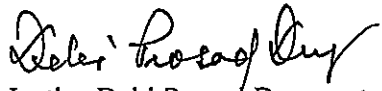

1) Justice Debi Prosad Dey 30/07/2023
(Chairman)

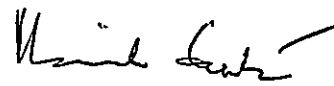

2) Shri Manish Gupta 31/07/2023
(Member)

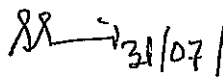

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Titulal Ghosh. Asstt. Teacher, Physical Education (Pass):-Admittedly, as per statement of Titulal Ghosh. Jahangir Khan, the Teacher-in-charge of Kethadanga High Madrasah, Bankura and the District Inspector of School. Bankura, that Titulal Ghosh was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03.03.2016. Resolution No. 105 dated 02.02.2019 of the Managing Committee reveals that the incumbent was appointed directly without following the Rules of Recruitment since he used to work as temporary employee in the said Madrasah prior to 02.02.2019. The Work Done Certificate also does not find support from the official attendance register maintained by the Madrasah. A separate attendance register presumably have been prepared for the purpose of this verification process.



1) Justice Debi Prosad Dey 31/07/2023
(Chairman)



2) Shri Manish Gupta 31/07/2023
(Member)



3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Lipika Haldar, Group 'C' (Clerk):- District Inspector of Schools, Bankura and Jahangir Khan, the then Teacher-in-charge of Kethardanga High Madrasah, Bankura have unequivocally stated that Lipika Haldar was not recruited as Group 'C' (Clerk) following the Rules of Recruitment being No. 486-MD O 2M-11 2016 dated 03.03.2016. Resolution Book being No. 105 dated 02.02.2019 reveals that since Lipika Haldar was working as casual employee before 02.02.2019, the Managing Committee decided to appoint him directly as Group 'C' employee. The Work Done Certificate also does not find support from the entries made in the official attendance register. The separate attendance register does not bear the signature of the Headmaster / Teacher-in-charge but, the same appears to have been manufactured for the purpose of verification. It may safely be stated that Lipika Haldar was not legally recruited as Group 'C' employee following the Rules of Recruitment

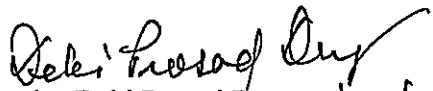

1) Justice Debi Prosad Dey
(Chairman) 31/07/2023

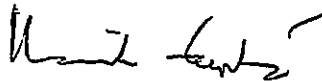

2) Shri Manish Gupta 31/07/2023
(Member)

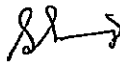

3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Kheyrunnesa Begum, Asstt. Teacher, Bengali (H/PG):-Admittedly, as per statement of Kheyrunnesa Begum, Jahangir Khan, the Teacher-in-charge of Kethadanga High Madrasah, Bankura and the District Inspector of Schools, Bankura, Kheyrunnesa Begum was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03.03.2016. Resolution No. 105 dated 02.02.2019 of the Managing Committee reveals that the incumbent was appointed directly without following the Rules of Recruitment since she used to work as temporary employee in the said Madrasah prior to 02.02.2019. The Work Done Certificate also does not find support from the official attendance register maintained by the Madrasah. A separate attendance register presumably have been prepared for the purpose of this verification process.


1) Justice Debi Prosad Dey 31/07/2023
(Chairman)


2) Shri Manish Gupta 21/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

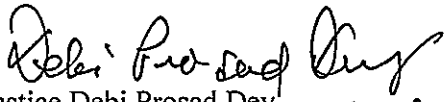
OBSERVATION

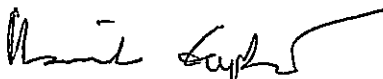
Sk. Anuilla, Asstt. Teacher, Pure Science (Pass):-Admittedly, as per statement of Sk. Anuilla, Jahangir Khan, the Teacher-in-charge of Kethadanga High Madrasah, Bankura and the District Inspector of Schools, Bankura, that Sk. Anuilla was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03.03.2016. Resolution No. 105 dated 02.02.2019 of the Managing Committee reveals that the incumbent was appointed directly without following the Rules of Recruitment since she used to work as temporary employee in the said Madrasah prior to 02.02.2019. The Work Done Certificate also does not find support from the official attendance register maintained by the Madrasah. A separate attendance register presumably have been prepared for the purpose of this verification process. He has no requisite qualification to be appointed as Asstt. Teacher, since on the date of alleged appointment, he had no B. Ed. Degree.

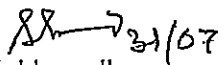
- 1) Justice Debi Prosad Dey
(Chairman) 31/07/2023
- 2) Shri Manish Gupta 31/07/2023
(Member)
- 3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Sahnawaz Khan, Asstt. Teacher, History (Pass):-Admittedly, as per statement of Sahnawaz Khan, Jahangir Khan, the Teacher-in-charge of Kethadanga High Madrasah, Bankura and the District Inspector of Schools, Bankura, that Sahnawaz Khan was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03.03.2016. Resolution No. 109 dated 15.10.2019 of the Managing Committee reveals that the incumbent was appointed directly without following the Rules of Recruitment since she used to work as temporary employee in the said Madrasah prior to 02.02.2019. The Work Done Certificate also does not find support from the official attendance register maintained by the Madrasah. A separate attendance register presumably have been prepared for the purpose of this verification process. He had no requisite qualification to be appointed as Asstt. Teacher, since on the date of alleged appointment, he had no B. Ed. Degree.


1) Justice Debi Prosad Dey
(Chairman) 21/07/2023


2) Shri Manish Gupta 21/07/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member) 21/07/2023

OBSERVATION

Sk. Moazzem, Group-C (Librarian) : The petitioner is claiming to have been recruited on the strength of special meeting No. SPL-01/KHM/HS/2016 dated 28.01.2016. On scrutiny of the Resolution Book, we do not find any such Resolution dated 28.01.2016. The Headmaster of Khaskhamar High Madrasah, Howrah has also stated that the petitioner was never recruited following the Rules of Recruitment and there is no reflection in the official Attendance Register that the petitioner had ever worked in the Madrasah. The petitioner also could not produce any Work Done Certificate issued by the Headmaster. The D.I. of Schools, by filing report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah at any point of time.

Debi Prosad Dey

1. Justice Debi Prosad Dey *31/07/2023*
(Chairman)

Manish Gupta

2. Shri Manish Gupta *31/07/2023*
(Member)


Sripati Mukhopadhyay *31/07/2023*

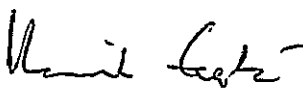
3. Shri Sripati Mukhopadhyay
(Member)

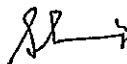
OBSERVATION

Jiauddin Khan. Assistant Teacher, Geography (H/PG) : The petitioner is claiming that he has been recruited as Assistant Teacher, Geography (H/PG) in terms of Resolution No. SPL-02 KHM HS 2016 dated 28.01.2016. Admittedly, the petitioner had no B.Ed. degree on the date of his joining in the Madrasah. The original Resolution Book of the Managing Committee does not reveal any such Resolution of 2016 by which the petitioner was allegedly appointed. The petitioner could not produce any Attendance Register or any Work Done Certificate. The Headmaster has stated that the petitioner never worked or never reported as Assistant Teacher in that Madrasah. The D.I. of Schools also corroborated such statement by filing a report against the petitioner.

Under the circumstances, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

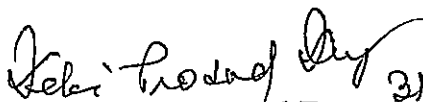

2. Shri Manish Gupta 31/07/2023
(Member)

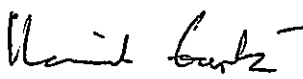

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

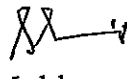
OBSERVATION

Abdul Alim Gazi, Assistant Teacher, History (Pass) : The petitioner is claiming that he has been recruited as Assistant Teacher, History (Pass) in terms of Resolution No. SPL-02/KHM/HS/2016 dated 28.01.2016. Admittedly, the petitioner had no B.Ed. degree on the date of his joining in the Madrasah. The original Resolution Book of the Managing Committee does not reveal any such Resolution of 2016 by which the petitioner was allegedly appointed. The petitioner could not produce any Attendance Register or any Work Done Certificate. The Headmaster has stated that the petitioner never worked or never reported as Assistant Teacher in that Madrasah. The D.I. of Schools also corroborated such statement by filing a report against the petitioner.

Under the circumstances, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015.


31/07/2023
1. Justice Debi Prosad Dey
(Chairman)



31/07/2023
2. Shri Manish Gupta
(Member)

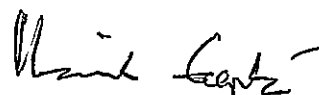

31/07/2023
3. Shri Sripati Mukhopadhyay
(Member)

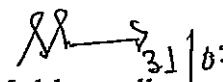
OBSERVATION

Suvojit Khatua, Assistant Teacher, Bengali (H/PG) : The petitioner is claiming that he has been recruited as Assistant Teacher, Bengali (H/PG) in terms of Resolution No. SPL-01/KHM/HS/2017 dated 24.07.2017. Admittedly, the petitioner had no B.Ed. degree on the date of his joining in the Madrasah. The original Resolution Book of the Managing Committee does not reveal any such Resolution of 2017 by which the petitioner was allegedly appointed. The petitioner could not produce any Attendance Register or any Work Done Certificate. The Headmaster has stated that the petitioner never worked or never reported as Assistant Teacher in that Madrasah. The D.I. of Schools also corroborated such statement by filing a report against the petitioner.

Under the circumstances, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)



2. Shri Manish Gupta 31/07/2023
(Member)

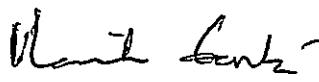

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Seauli Rakhit, Group - C (Clerk) : The petitioner is the younger sister of Sima Rakhit. She is claiming that she has been recruited on the strength of special meeting No. SPL-02/KHM/HS/2016 dated 28.01.2016. On scrutiny of the original Resolution Book we do not find any such Resolution adopted by the Managing Committee. It is evident that the claim of Sima Rakhit that she has been working as Group-C employee in that Madrasah is false. The Headmaster, Najrul Islam Mallick has specifically stated that the petitioner never worked as Group-C employee and there was no Resolution that the petitioner was recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never granted any Work Done Certificate to the petitioner and the petitioner never signed on the official Attendance Register. The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment.

In the premises set forth above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman)

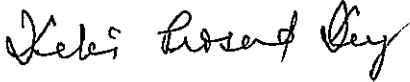

2. Shri Manish Gupta
(Member)

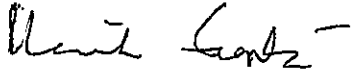

3. Shri Sripati Mukhopadhyay
(Member)

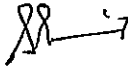
OBSERVATION

Sima Rakhit, Group - D : The petitioner is claiming that she has been recruited on the strength of special meeting No. SPL-02/KHM/HS/2016 dated 28.01.2016. On scrutiny of the original Resolution Book we do not find any such Resolution adopted by the Managing Committee. Sima Rakhit fairly stated that she has been residing at Borjora within the district Bankura along with her son and husband, which is about 200 kms. away from Khaskhamar High Madrasah, Howrah. It is evident that the claim of Sima Rakhit that she has been working as Group-D employee in that Madrasah is false. The Headmaster Najrul Islam Mallick has specifically stated that the petitioner never worked as Group-D employee and there was no Resolution that the petitioner was recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Headmaster also never granted any Work Done Certificate to the petitioner and the petitioner never signed on the official Attendance Register. The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment.

In the premises set forth above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

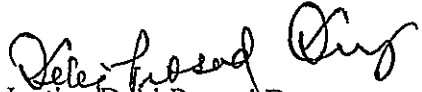

2. Shri Manish Gupta 31/07/2023
(Member)

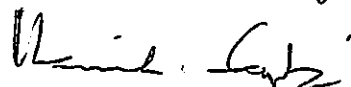

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

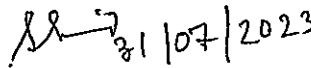
OBSERVATION

Md. Saheb, Assistant Teacher, Under Graduate : The petitioner admittedly was never recruited following the rules of recruitment as per his own admission before the Committee. The resolution being meeting no. 02/ACT/2019 dated 01.08.2019 of the Managing Committee referred to in the Appointment Letter of the petitioner, has had no existence in the official Resolution Book of the Managing Committee. On the basis of this imaginary resolution of the Managing Committee, the Appointment Letter was issued in favour of the petitioner. Obaidur Rahaman, the Superintendent of the Madrasah has produced the Resolution Book of 2019 and we do not find any such resolution by which the petitioner was appointed following the rules of recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016. There is no signature of the petitioner in the official Attendance Register and therefore, it may safely be stated that the petitioner never worked in the Madrasah. Sujit Samanta, D.I. of Schools has also filed independent report in respect of the petitioner stating *inter alia* that the petitioner was never recruited following rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016. Mujibar Rahaman, the previous Teacher-in-Charge and Wahedur Rahaman, the present Superintendent of the Madrasah did not grant any Work Done Certificate in favour of the petitioner. The Work Done Certificate granted by the Secretary, appears to have been created along with the Appointment Letter and Joining Letter in consultation with the Secretary since the Superintendent never saw the petitioner to work in the Madrasah.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 21/07/2023

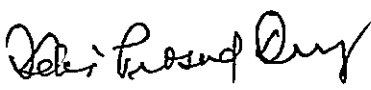

2. Shri Manish Gupta
(Member) 21/07/2023

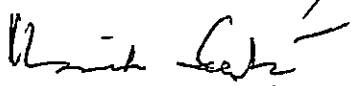

3. Shri Sripati Mukhopadhyay
(Member) 21/07/2023

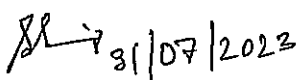
OBSERVATION

Nasima Akhtar Banu, Assistant Teacher, Under Graduate : The petitioner admittedly was never recruited following the rules of recruitment as per his own admission before the Committee. The resolution being meeting no. 02/ACT/2019 dated 01.08.2019 of the Managing Committee referred to in the Appointment Letter of the petitioner, has had no existence in the official Resolution Book of the Managing Committee. On the basis of this imaginary resolution of the Managing Committee, the Appointment Letter was issued in favour of the petitioner. Obaidur Rahaman, the Superintendent of the Madrasah has produced the Resolution Book of 2019 and we do not find any such resolution by which the petitioner was appointed following the rules of recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016. There is no signature of the petitioner in the official Attendance Register and therefore, it may safely be stated that the petitioner never worked in the Madrasah. Mr. Sujti Samanta, the D.I. of Schools has also filed independent report in respect of the petitioner stating *inter alia* that the petitioner was never recruited following rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016. Mujibar Rahaman, the previous Teacher-in-Charge and Wahedur Rahaman, the present Superintendent of the Madrasah did not grant any Work Done Certificate in favour of the petitioner. The Work Done Certificate granted by the Secretary, appears to have been created along with the Appointment Letter and Joining Letter in consultation with the Secretary since the Superintendent never saw the petitioner to work in the Madrasah.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 21/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)

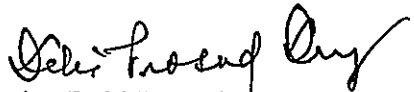

3. Shri Sripati Mukhopadhyay
(Member)

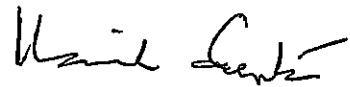
OBSERVATION

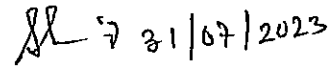
Fatematuj Johara, Group – D. The petitioner herself has stated that she never appeared in any written examination and the Secretary of the Managing Committee simply issued Appointment Letter in her favour. The Superintendent, Obaidur Rahaman did not grant any Work Done Certificate in her favour.

It is, therefore, apparent from her own admission that she was never recruited following the rules of recruitment as per Govt. order notification no. 486-MD/O/2M-11/2016 dated 03.03.2016. We also do not find any resolution being meeting no. 2/APPT./2019 dated 01.08.2019 in the original Resolution Book of the Managing Committee on the strength of which the petitioner was appointed. It is thus clear that the Appointment Letter was issued on the basis of an imaginary resolution of the Managing Committee. The Attendance Register does not bear the signature of the petitioner to show that she has been working in the Madrasah. The present Superintendent and previous Superintendent never granted any Work Done Certificate in favour of the petitioner. Naturally, the Work Done Certificate issued by the Secretary is the result of collusion between the petitioner and the Secretary. The D.I. of Schools also corroborated by filing separate report in respect of the petitioner that she was never recruited following the rules of recruitment. The Superintendent, Obaidur Rahaman by producing the original Resolution Book and the Attendance Register has categorically stated that the petitioner was never recruited following the rules of recruitment and her appointment is fake and fabricated.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 21/7/2023


2. Shri Manish Gupta 31/07/2023
(Member)

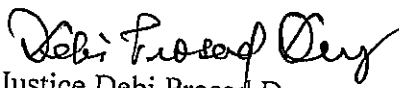

3. Shri Sripati Mukhopadhyay
(Member)

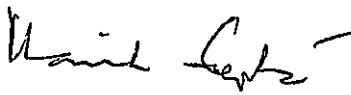
OBSERVATION

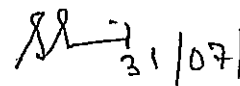
Md. Selim, Group - C (Clerk) : The petitioner himself has stated that he never appeared in any written examination and the Secretary of the Managing Committee simply issued Appointment Letter in his favour. The Superintendent, Obaidur Rahaman did not grant any Work Done Certificate in his favour.

It is, therefore, apparent from his own admission that he was never recruited following the rules of recruitment as per Govt. order notification no. 486-MD/O/2M-11/2016 dated 03.03.2016. We also do not find any resolution being meeting no. 2/APPT./2019 dated 01.08.2019 in the original Resolution Book of the Managing Committee on the strength of which the petitioner was appointed. It is thus clear that the Appointment Letter was issued on the basis of an imaginary resolution of the Managing Committee. The Attendance Register does not bear the signature of the petitioner to show that he has been working in the Madrasah. The present Superintendent and previous Superintendent never granted any Work Done Certificate in favour of the petitioner. Naturally, the Work Done Certificate issued by the Secretary is the result of collusion between the petitioner and the Secretary. The D.I. of Schools also corroborated by filing separate report in respect of the petitioner that she was never recruited following the rules of recruitment. The Superintendent, Obaidur Rahaman by producing the original Resolution Book and the Attendance Register has categorically stated that the petitioner was never recruited following the rules of recruitment and her appointment is fake and fabricated.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 21/07/2023


2. Shri Manish Gupta 21/07/2023
(Member)

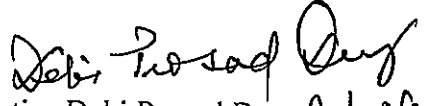

3. Shri Sripati Mukhopadhyay
(Member) 21/07/2023

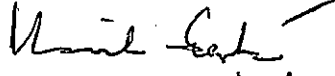
OBSERVATION

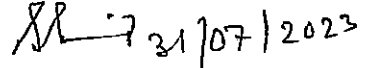
Jiaur Rahaman, Assistant Teacher, Bengali (H/PG) : The petitioner is claiming that he was appointed on 13.07.2018 on the strength of resolution being meeting no. 1/APPT./18 dated 13.07.2018 of the Managing Committee and he has been working in the Madrasah since 14.07.2018. The petitioner himself admitted that the Managing Committee being satisfied about his qualification issued Appointment Letter in his favour and he never appeared in any written examination or before any Interview Board for being recruited as Assistant Teacher. The previous Teacher-in-Charge, Mujibar Rahaman and the present Superintendent, Obaidur Rahaman never granted any Work Done Certificate in favour of the petitioner. The Superintendent, Obaidur Rahaman by producing the original Attendance Register has categorically stated that the petitioner never worked or attended the Madrasah as Assistant Teacher and he was never recruited following the rules of recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016. The Superintendent has further produced the documents and report of the Madrasah wherefrom it would be evident that on the basis of an imaginary resolution the petitioner is claiming himself to be an Assistant Teacher of the Madrasah. In fact, the alleged appointment of the petitioner is fake and fabricated.

Mr. Sujit Maity, the D.I. of Schools by filing a separate report in respect of the petitioner has also corroborated the Superintendent of the Madrasah to the effect that the petitioner was never recruited following the rules of recruitment.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

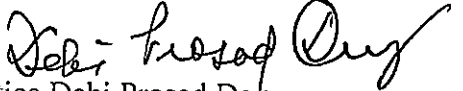
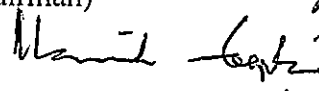
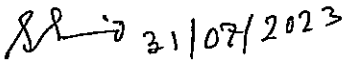
OBSERVATION

Md. Tajamul Hoque, Assistant Teacher, Arabic (H/PG) : The petitioner obtained B.Ed. degree in the year 2020 and had no B.Ed. degree on the date of his alleged appointment at the Madrasah, that clearly goes to show that the petitioner has no requisite qualification to be appointed as Assistant Teacher.

The petitioner is claiming that he was appointed on 13.07.2018 on the strength of resolution being meeting no. 1/APPT./18 dated 13.07.2018 of the Managing Committee and he has been working in the Madrasah since 14.07.2018. The petitioner himself admitted that the Managing Committee being satisfied about his qualification issued Appointment Letter in his favour and he never appeared in any written examination or before any Interview Board for being recruited as Assistant Teacher. The previous Teacher-in-Charge, Mujibar Rahaman and the present Superintendent, Obaidur Rahaman never granted any Work Done Certificate in favour of the petitioner. The Superintendent, Obaidur Rahaman by producing the original Attendance Register has categorically stated that the petitioner never worked or attended the Madrasah as Assistant Teacher and he was never recruited following the rules of recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016. The Superintendent has further produced the documents and report of the Madrasah wherefrom it would be evident that on the basis of imaginary resolution the petitioner is claiming himself to be an Assistant Teacher of the Madrasah. In fact, the alleged appointment of the petitioner is fake and fabricated.

Sujit Maity, the D.I. of Schools by filing a separate report in respect of the petitioner has also corroborated the Superintendent of the Madrasah to the effect that the petitioner was never recruited following the rules of recruitment.

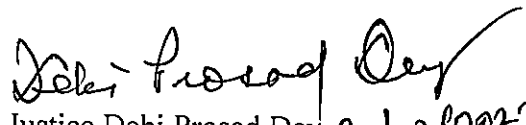
Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.

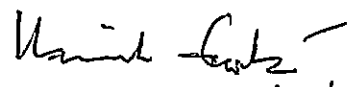
- 
1. Justice Debi Prosad Dey
(Chairman) 21/07/2023
- 
2. Shri Manish Gupta 21/07/2023
(Member)
- 
3. Shri Sripati Mukhopadhyay
(Member)

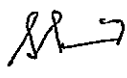
OBSERVATION

Md. Zakir Hossain, Group – C (Clerk) : As per the Petitioner, he was appointed as Clerk on 13.07.2018 on the strength of the resolution of the Managing Committee being no. 01/APPT./18 dated 13.07.2018 and he has been working in the Madrasah since 14.07.2018. As per the petitioner, he never appeared in any written examination for being recruited as Clerk and the successive Teacher-in-Charge and Superintendent of the Madrasah never granted any Work Done Certificate in his favour. Obaidur Rahaman, the Superintendent did not get the original Resolution Book for the year 2018 in the office of the Madrasah but by producing the Attendance Register, has stated that the petitioner was never recruited following the rules of recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah. Moreover, the petitioner is the sister's son of the then President Md. Ismail. The D.I. of Schools by filing a separate report has specifically stated that no intimation/permission of D.I. of Schools was ever given/taken from his office and the petitioner was never recruited following rules of recruitment. We also do not find any resolution as stipulated in the Appointment Letter or any signature of the petitioner in the official Attendance Register maintained by the Madrasah.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

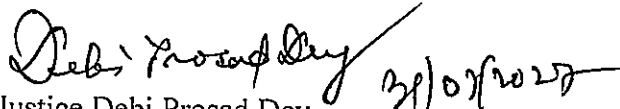

2. Shri Manish Gupta 31/07/2023
(Member)

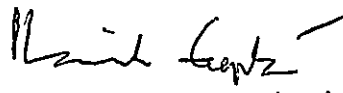

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

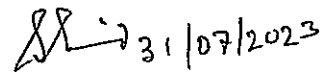
OBSERVATION

Fakuruddin, Group - D : As per the Petitioner, he was appointed as Clerk on 13.07.2018 on the strength of the resolution of the Managing Committee being no. 01/APPT./18 dated 13.07.2018 and he has been working in the Madrasah since 14.07.2018. As per the petitioner, he never appeared in any written examination for being recruited as Clerk and the successive Teacher-in-Charge and Superintendent of the Madrasah never granted any Work Done Certificate in his favour. Obaidur Rahaman, the Superintendent did not get the original Resolution Book for the year 2018 in the office of the Madrasah but by producing the Attendance Register, has stated that the petitioner was never recruited following the rules of recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah. Obaidur Rahaman, the Superintendent further stated that the petitioner is the son of the Secretary, Samsul Haque of Milangarh Sr. Madrasah (Fazil), Malda. Moreover, the petitioner is the sister's son of the then President Md. Ismail. The D.I. of Schools by filing a separate report has specifically stated that no intimation/permission of D.I. of Schools was ever given/taken from his office and the petitioner was never recruited following rules of recruitment. We also do not find any resolution as stipulated in the Appointment Letter or any signature of the petitioner in the official Attendance Register maintained by the Madrasah.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

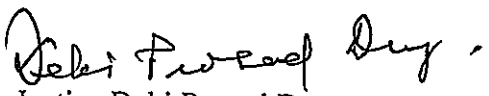

2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

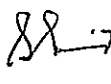
OBSERVATION

Md. Monirul Islam, UG (General) : On scrutiny of the educational testimonials of the petitioner, it transpires that he had no requisite qualification on the date of his alleged appointment in the Madrasah since he obtained D.L. Ed. degree in the year 2019. As per the statement of the petitioner, he never appeared in any written examination for being recruited as Teacher but the Secretary simply issued the Appointment Letter to him. The Superintendent, Obaidur Rahaman did not find the original Resolution Book for the year 2018 in the office of the Madrasah and therefore, the resolution being meeting no. 1/APPT./2018 dated 13.07.2018 mentioned in the Appointment Letter cannot be verified. Obaidur Rahaman, the Superintendent, however, by producing the Attendance Register has categorically stated that the petitioner never worked in the Madrasah and was never recruited following the rules of recruitment. The D.I. of Schools by filing a separate report also corroborated that no intimation was given to the D.I. of Schools and the appointment of the petitioner is fake and fabricated.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)

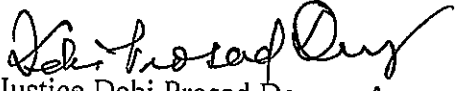

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

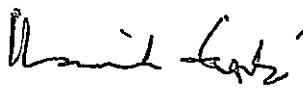
OBSERVATION


Gulsan Khatun, Assistant Teacher, English (Pass) : On the strength of meeting no. 01/APPT/2018 dated 13.07.2018, the petitioner was appointed as Assistant Teacher and he has been working since 16.07.2018. Admittedly, the petitioner obtained less than 50% marks in aggregate in her B.A. examination and accordingly she had no requisite qualification to be appointed as Assistant Teacher. Obaidur Rahaman, the Superintendent of the Madrasah has specifically stated that the petitioner is the daughter-in-law of Samiul Hoque, former President of Milangarh Sr. Madrasah (Fazil), Malda. Obaidur Rahaman, the Superintendent did not find the original Resolution Book of 2018 in the Madrasah. However, by producing the Attendance Register, he has specifically stated that the petitioner never joined the Madrasah and never worked in the Madrasah as Assistant Teacher. The petitioner himself admitted that the Secretary simply issued Appointment Letter in his favour and he never appeared in any written examination or before any Interview Board for being recruited as Teacher.

The petitioner further admitted that the present Superintendent and the previous Superintendent never issued Work Done Certificate in his favour. The D.I. of Schools also stated by filing a separate report in respect of the petitioner that he was never recruited following the rules of recruitment and no intimation was given to the D.I. of Schools prior to issuance of such appointment in favour of the petitioner. The Superintendent further stated that the petitioner never attended the Madrasah and the alleged Appointment Letter/Work Done Certificate is fake and fabricated.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

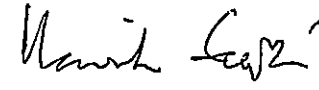
OBSERVATION

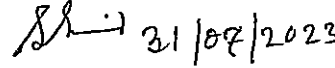
Md. Eliyas, Assistant Teacher, Bengali (Pass) : On the strength of meeting no. 01/APPT./2018 dated 13.07.2018, the petitioner was appointed as Assistant Teacher and he has been working since 16.07.2018. Obaidur Rahaman, the Superintendent did not find the original Resolution Book of 2018 in the Madrasah. However, by producing the Attendance Register, he has specifically stated that the petitioner never joined the Madrasah and never worked in the Madrasah as Assistant Teacher. The petitioner himself admitted that the Secretary simply issued Appointment Letter in his favour and he never appeared in any written examination or before any Interview Board for being recruited as Teacher.

The petitioner further admitted that the present Superintendent and the previous Superintendent never issued Work Done Certificate in his favour. The D.I. of Schools also stated by filing a separate report in respect of the petitioner that he was never recruited following the rules of recruitment and no intimation was given to the D.I. of Schools prior to issuance of such appointment in favour of the petitioner. The Superintendent further stated that the petitioner never attended the Madrasah and the alleged Appointment Letter/Work Done Certificate is fake and fabricated.

Under the circumstances stated above, we are of the considered opinion that the petitioner never worked in the Milangarh Sr. Madrasah (Fazil), Malda and was never recruited following the rules of the recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta
(Member) 31/07/2023

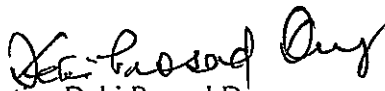
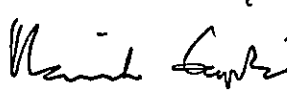
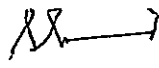

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Javed Aktar Molla, Group-C (Clerk):- The petitioner is claiming himself to have been appointed as Group-C (Clerk) of Mahidapur High Madrasah (HS), Birbhum. As per the petitioner, he was appointed as Group-C (Clerk) in terms of the Hon'ble Supreme Court's order dated 17/05/2018 in CA No. 5808/2017.

Admittedly, Sk. Kamrup Zaman, the Headmaster of Mahidapur High Madrasah, Birbhum, never granted any Work Done Certificate in favour of the petitioner. The Headmaster of the Madrasah specifically stated that the petitioner was never recruited following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never signed in the official attendance Register. The Headmaster further stated that during 2019, the petitioner sometimes attended the Madrasah at the request of the Secretary of the Managing Committee but, thereafter, the petitioner never turned up in the Madrasah. The Hon'ble Supreme Court in C.A. No. 5808/2017, has never issued any order for appointment of the petitioner. The District Inspector of Schools, Birbhum, has also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah.

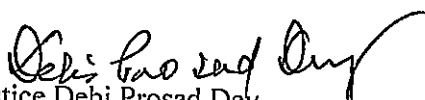
- 
1) Justice Debi Prosad Dey
(Chairman) 02/08/23
- 
2) Shri Manish Gupta 02/08/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay 02/08/2023
(Member)

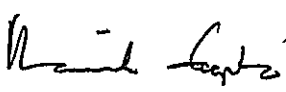
OBSERVATION

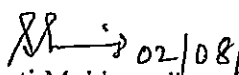
Samim Molla, Group-D:- The petitioner is claiming himself to have been appointed as Group-D employee of Mahidapur High Madrasah (HS), Birbhum. As per the petitioner, he was appointed as Group-D employee in terms of the Hon'ble Supreme Court's order dated 17/05/2018 in CA No. 5808/2017.

Admittedly, Sk. Kamrup Zaman, the Headmaster of Mahidapur High Madrasah, Birbhum, never granted any Work Done Certificate in favour of the petitioner. The Headmaster of the Madrasah specifically stated that the petitioner was never recruited following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never signed in the official attendance Register. The Headmaster further stated that during 2019, the petitioner sometimes attended the Madrasah at the request of the Secretary of the Managing Committee but, thereafter, the petitioner never turned up in the Madrasah. The Hon'ble Supreme Court in C.A. No. 5808/2017, has never issued any order for appointment of the petitioner. The District Inspector of Schools, Birbhum, has also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 02/08/23


2) Shri Manish Gupta 02/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

Sekh Amirul, Group-D :- The petitioner is claiming himself to have been appointed as Group-D of Mahidapur High Madrasah (HS), Birbhum. As per the petitioner, he was appointed as Group-D employee in terms of the Hon'ble Supreme Court's order dated 17/05/2018 in CA No. 5808/2017.

Admittedly, Sk. Kamrup Zaman, the Headmaster of Mahidapur High Madrasah, Birbhum, never granted any Work Done Certificate in favour of the petitioner. The Headmaster of the Madrasah specifically stated that the petitioner was never recruited following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never signed in the official attendance Register. The Headmaster further stated that during 2019, the petitioner sometimes attended the Madrasah at the request of the Secretary of the Managing Committee but, thereafter, the petitioner never turned up in the Madrasah. The Hon'ble Supreme Court in C.A. No. 5808/2017, has never issued any order for appointment of the petitioner. The District Inspector of Schools, Birbhum, has also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah.

1) Justice Debi Prosad Dey
(Chairman) 04/08/23

2) Shri Manish Gupta
(Member) 02/08/23

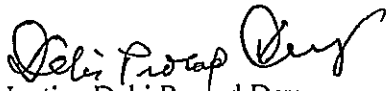
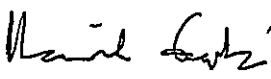
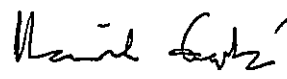
3) Shri Sripati Mukhopadhyay
(Member) 02/08/23

OBSERVATION

Sk. Johiruddin, Group-C (Clerk):- The petitioner is claiming himself to have been appointed as Group-C (Clerk) of Mahidapur High Madrasah (HS), Birbhum. As per the petitioner, he was appointed as Group-C (Clerk) in terms of the Hon'ble Supreme Court's order dated 17/05/2018 in CA No. 5808/2017.

Admittedly, Sk. Kamrup Zaman, the Headmaster of Mahidapur High Madrasah, Birbhum, never granted any Work Done Certificate in favour of the petitioner. The Headmaster of the Madrasah specifically stated that the petitioner was never recruited following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never signed in the official attendance Register. The Headmaster further stated that during 2019, the petitioner sometimes attended the Madrasah at the request of the Secretary of the Managing Committee but, thereafter, the petitioner never turned up in the Madrasah. The Hon'ble Supreme Court in C.A. No. 5808/2017, has never issued any order for appointment of the petitioner. The District Inspector of Schools, Birbhum, has also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah.

- 
1) Justice Debi Prosad Dey
(Chairman) 02/08/2023
- 
2) Shri Manish Gupta 02/08/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Kangkan Giri, Assistant Teacher, Math (Pass):- It may be mentioned, at the outset, that the petitioner did not turn up, despite receipt of notice on 27/04/2023, challenging the procedure adopted by this Committee in matter of verification, appointed by the Hon'ble Supreme Court and further stated that the Committee should adopt a suitable and practical method of giving hearing to those interested persons also.

Notice was again sent to the petitioner as well as to the Headmaster of the Madrasah. The petitioner duly appeared on 29/05/2023, but, the Headmaster did not turn up on 29/05/2023 and on 13/06/2023 *interalia* that the matter has again been challenged before the Hon'ble Supreme Court.

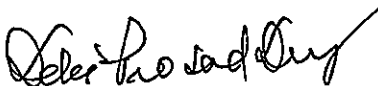
The petitioner has categorically stated that he had no B.Ed. degree on the date of his joining at the Madrasah and that, he has been working in the Madrasah since 01/07/2018. One Work Done Certificate alleged to have been issued by the Teacher-in-Charge of Majna High Madrasah, has been produced but since, no one is appearing on behalf of the Majna High Madrasah, we are unable to accept the authenticity of such Work Done Certificate. The letter of appointment/regularization reveals that in terms of the Hon'ble Supreme Court order dated 07/05/2018, in C.A. No. 5808/2017, the service of the petitioner was regularized. Photo copy of Resolution without having any certificate from the Secretary or any competent authority, has been produced to justify such regularization of service of the petitioner. No document has been produced by the petitioner to show that he was working in the said Madrasah on and from 01/07/2018.

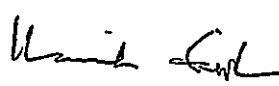
Subhasis Mitra, The A.D.I. of Contai as well as D.I. of Schools, Purba Medinipur, by filing a report, has categorically stated that no intimation was given or permission was obtained from his office by the authority of Majna High Madrasah for initiation of recruitment of the petitioner and necessary papers regarding the approval of service of the aforesaid person were never submitted to his office and the office record reveals that the Rules of Recruitment in terms of Memo. No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with.

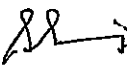
Unfortunately, the Headmaster being the Secretary of the Managing Committee, has refused to attend before this Committee at least on three occasions after receipt of the notices and has even challenged the procedure adopted by this Committee. Hon'ble Supreme Court specifically stated that the Committee would formulate the procedure of verification. Therefore, only the Hon'ble Supreme Court can look into the procedure adopted by the Committee and not by the Headmaster. Despite that fact, the Headmaster/Teacher-in-Charge of Majna High Madrasah refused to attend before the Committee and thereby refused to obey the order passed by the Hon'ble Supreme Court. We do recommend that the authority take appropriate steps against the Headmaster or the Teacher-in-Charge of the Madrasah for non-compliance of the order passed by the Hon'ble Supreme Court by refusing to appear before the Committee.

Admittedly, from the statement of the petitioner, we find that he was not recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The Resolution produced by the petitioner, though, not certified by the competent authority yet, reveals that the Rules of Recruitment were not complied with at the time of recruitment of the petitioner. There is no document to show that the petitioner has been attending the Madrasah since 01/07/2018 as legally recruited Assistant Teacher. The Teacher-in-Charge of the Madrasah did not turn up and that's why, we are not in a position to accept the Work Done Certificate due to the absence of the Teacher-in-Charge and due to non-production of the original Attendance Register.

Under the circumstances stated above, we are of the definite opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah.


1) Justice Debi Prosad Dey 21/07/2023
(Chairman)


2) Shri Manish Gupta 21/07/2023
(Member)


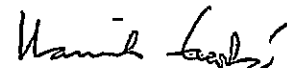
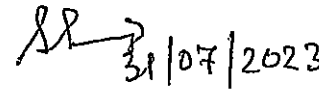

3) Shri Sripati Mukhopadhyay 21/07/2023
(Member)

OBSERVATION

Mortoja Rahaman, Assistant Teacher, Bengali (Pass):- The petitioner, Mortoja Rahaman is claiming that in terms of Meeting No. 07/19/E dated 15/12/2019, he was appointed as Assistant Teacher of Bengali (Pass) in Primary Elementary Section and he joined in Majna High Madrasah, Purba Medinipur on 21/12/2019. Photocopy of the Resolution dated 15/12/2019 has been produced by the petitioner without being certified by any competent authority of Majna High Madrasah. There is no document to show that the petitioner has been working in the Madrasah since 21/12/2019. The Teacher-in-Charge of the Madrasah issued Work Done Certificate for the period from 21/12/2019 to 13/04/2022 but, Work Done Certificate for the period from 13/04/2022 to 29/05/2023 has been filed by the petitioner. The Teacher-in-Charge of the Madrasah did not turn up before this Committee and therefore, we are not in a position to verify the authenticity of the Work Done Certificate, letter of appointment, letter of joining and the photo copy of the Resolution produced by the petitioner. On the contrary, the A.D.I./DI of Contai Sub-Division, has categorically stated by filing a report that the petitioner was never recruited following the Rules of Recruitment as per the Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and no intimation was given in terms of Clause 4 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Unfortunately, the Headmaster being the Secretary of the Managing Committee, has refused to attend before this Committee at least on three occasions after receipt of the notices and has even challenged the procedure adopted by this Committee. Hon'ble Supreme Court specifically stated that the Committee would formulate the procedure of verification. Therefore, only the Hon'ble Supreme Court can look into the procedure adopted by the Committee and not by the Headmaster. Despite that fact, the Headmaster/Teacher-in-Charge of Majna High Madrasah refused to attend before the Committee and thereby refused to obey the order passed by the Hon'ble Supreme Court. We do recommend that the authority take appropriate steps against the Headmaster or the Teacher-in-Charge of the Madrasah for non-compliance of the order passed by the Hon'ble Supreme Court by refusing to appear before the Committee.

Under the circumstances stated above, we are of the considered view that the petitioner, having no requisite qualification on the date of his alleged appointment, was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah. (The original Attendance Registers have not been produced by the Teacher-in-Charge).

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1) Justice Debi Prosad Dey
(Chairman) 31/07/2023
- 
2) Shri Manish Gupta 31/07/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Sefayet Tulla, Group-D:- The petitioner, Sk. Sefayet Tulla is claiming that he was appointed in the Majna High Madrasah, Purba Medinipur on 07/03/2016 and he has been working in the said Madrasah since 11/03/2016. The petitioner did not appear in any written examination or appeared before any Interview Board. The photo copy of the appointment letter, joining letter and the Resolution dated 06/03/2016 clearly show that the petitioner was not recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The management of the Madrasah did not turn up with the original documents and therefore, we could not even verify the authenticity of the said documents. The Work Done Certificate for the period from 11/03/2016 to 13/04/2022 issued by the Teacher-in-Charge of Majna High Madrasah but, the Teacher-in-Charge of the Madrasah did not turn up before the Committee. So the Committee is unable to verify the said Work Done Certificate. The Teacher-in-Charge also did not produce the official Attendance Register or the Resolution book of the Managing Committee to verify the appointment and attendance of the petitioner.

Unfortunately, the Headmaster being the Secretary of the Managing Committee, has refused to attend before this Committee at least on three occasions after receipt of the notices and has even challenged the procedure adopted by this Committee. Hon'ble Supreme Court specifically stated that the Committee would formulate the procedure of verification. Therefore, only the Hon'ble Supreme Court can look into the procedure adopted by the Committee and not by the Headmaster. Despite that fact, the Headmaster/Teacher-in-Charge of Majna High Madrasah refused to attend before the Committee and thereby refused to obey the order passed by the Hon'ble Supreme Court. We do recommend that the authority take appropriate steps against the Headmaster or the Teacher-in-Charge of the Madrasah for non-compliance of the order passed by the Hon'ble Supreme Court by refusing to appear before the Committee.

The A.D.I., Contai, Subhasis Mitra, has also stated by filing a report that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

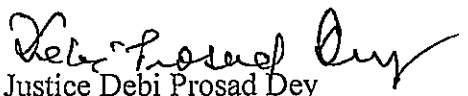
Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah.


- 1) Justice Debi Prosad Dey 21/07/2023
(Chairman)
- 2) Shri Manish Gupta 21/07/2023
(Member)
- 3) Shri Sripati Mukhopadhyay 21/07/2023
(Member)

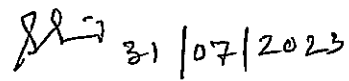
OBSERVATION

Md. Mir Mosarraf Hossain, Group – C (Clerk) : As per the statement of the petitioner, he never appeared in any written examination for being recruited as Group – C (Clerk). He met Wahedur Rahaman, the then Secretary of the Managing Committee on 08.10.2015 and after perusing his papers, the Secretary handed over the appointment letter to him. We do not find any Original Resolution being no. 13/MC/2015 dated 08.10.2015 to satisfy ourselves that the petitioner was recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. As per the Teacher-in-Charge, the petitioner was never recruited following the Rules of Recruitment as per govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked as Group-C employee of the Madrasah. On the contrary, he was the son of former Secretary of the Madrasah, Samsul Haque and that's why some papers have been manufactured regarding appointment of the petitioner. The D.I. of Schools also stated that the petitioner was never recruited following the Rules of Recruitment under Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The Work Done Certificates produced by the petitioner would not prove that he was recruited following the Rules of Recruitment.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 28/7/23

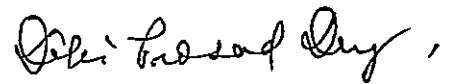

2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

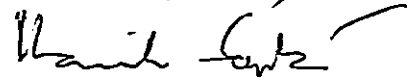
OBSERVATION

A.B. Tarikur Reja, Assistant Teacher, History (H/PG) : The petitioner is claiming that he has been working as Assistant Teacher, History in that Milangarh Sajjadia High Madrasah (H.S), Malda since 14.10.2015. As per the petitioner, he never appeared in any written examination for being recruited as Teacher of the Madrasah. He met Mr. Wahedur Rahaman, the then Secretary of the Managing Committee of the Madrasah on 20.07.2015, who handed over the appointment to the petitioner. The statement of the petitioner goes to show that he was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The Teacher-in-Charge, Fakhruddin Al Mahmud has stated that he did not get any official Resolution Book for the period from 2015 to 05.08.2022 and the petitioner was never recruited and worked as Assistant Teacher as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The D.I. of Schools also stated by filing a report that the petitioner was never recruited following the Rules of Recruitment bearing no. 93-SE/S/10R-14/2013 dated 09.02.2015. The Original Resolution or the original appointment letter as has been filed by the petitioner, have not been produced before the Committee for verification. The verification certificates produced by the petitioner do not prove that he was recruited following the Rules of Recruitment. Lastly, there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Teacher-in-Charge also pointed out that the petitioner is the brother-in-law of the then Headmaster, Md. Saifuddin. He being brother-in-law of the then Headmaster manufactured some papers for getting mileage in matters of appointment.

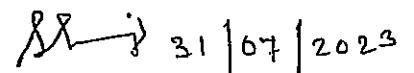
Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in that Madrasah.



1. Justice Debi Prosad Dey
(Chairman) 31/07/2023



2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

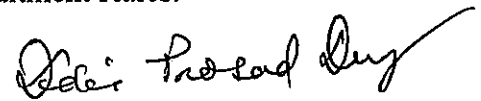
OBSERVATION

Mst. Samina Yesmin, Assistant Teacher, Bengali (Pass) : The petitioner is claiming that she has been appointed as Assistant Teacher, Bengali (Pass) on and from 08.10.2015. In support of our contention, the petitioner has referred meeting no. 13MC/2015 dated 08.10.2015 as the Resolution adopted by the Managing Committee for giving appointment to the Petitioner. Admittedly, the petitioner never appeared in any written examination or before any Interview Board. Admittedly, the petitioner had no B.Ed. degree and obtained 44.26% marks in aggregate in her B.A examination. That goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher.


The Teacher-in-Charge Fakhruddin Al Mahmud has been working in that Madrasah since 04.07.1988 as Assistant Teacher and while taking charge as Teacher-in-charge of the Madrasah, he did not receive the official Resolution Book for the period from 2015 to 05.08.2022 from his predecessors. The Teacher-in-Charge has filed the copy of charge takeover and makeover to show that there is specific stipulation that he did not get any official Resolution Book for the period from 2015 to 05.08.2022. By filing a number of documents, the Teacher-in-Charge has categorically stated that Samina Yeasmin was never recruited following Rules of Recruitment as Assistant Teacher in the Madrasah and she never worked in the Madrasah.

The official Attendance Register also does not bear the signature of the petitioner to show that she has been working since 14.10.2015. The D.I. of Schools also stated by filing a report thereof that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

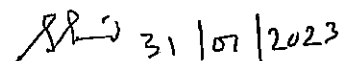
Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in that Madrasah. The certificates filed by the petitioner have had no bearing in the recruitment of the petitioner in terms of the Recruitment Rules.



1. Justice Debi Prosad Dey
(Chairman) 21/07/2023



2. Shri Manish Gupta 31/07/2023
(Member)

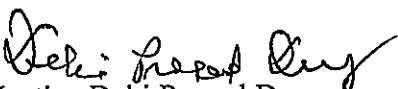


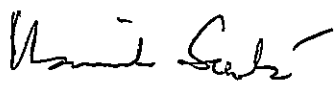
3. Shri Sripati Mukhopadhyay
(Member)

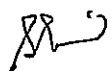
OBSERVATION

Priyanka Katiyar, Assistant Teacher, English (Pass) : As per the statement of the petitioner she obtained 47.88% marks in aggregate in her B.A. (Pass) examination and she had no B.Ed. degree on the date of her alleged appointment. We do not find any Original Resolution Book so as to look into meeting no. 01/APPT./2015 dated 06.07.2018, by which the petitioner was appointed as Assistant Teacher. The petitioner further stated that Wahedur Rahaman, the then Secretary of the Madrasah is her elder brother and she never appeared in any written examination for being recruited as Teacher of the Madrasah. the Teacher-in-Charge Fakhruddin Al Mahmud as well as the D.I. of Schools corroborated that the petitioner was never recruited following Rules of Recruitment as per govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016. There is no signature of the petitioner in the official Attendance Register to show that she has been working in that Madrasah since 09.07.2018. As per the statement of Teacher-in-Charge, the petitioner is the daughter-in-law of Abdus Samad, the President of the Managing Committee of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Recruitment Rules as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016 and she never worked in the Madrasah. Being the sister of the Secretary and daughter-in-law of the President of such Madrasah, the petitioner has prepared some documents in a desperate move to legalize her appointment.


1. Justice Debi Prosad Dey
(Chairman) 31/07/23

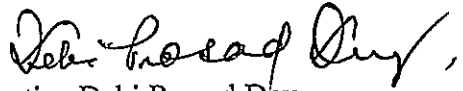

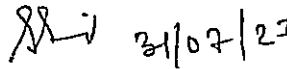

2. Shri Manish Gupta
(Member) 31/07/23

 31/07/2023
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Mastara Khatun, Group – D (Matron) : As per the statement of the petitioner, she never appeared in any written examination and the then Secretary issued appointment letter in her favour. Fakuuddin Al Mahmud, present Teacher-in-Charge has categorically stated that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. More so, he did not get the Original Resolution Book of the Managing Committee for the period from 2015 to 05.08.2022. Thus, we could not look into the Original Resolution Book to satisfy ourselves that the petitioner was recruited following the Rules of Recruitment. The Teacher-in-Charge further stated that Mastara Khatun is the wife of former Secretary, Wahedur Rahaman. The D.I. of Schools has also stated that she was never recruited following the Rules of Recruitment. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah.

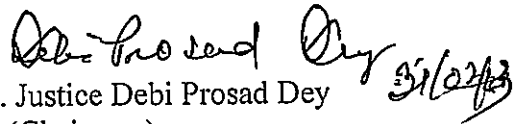
Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah.


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1. Justice Debi Prosad Dey
(Chairman) 31/07/2023
- 
2. Shri Manish Gupta 31/07/2023
(Member)
- 
3. Shri Sripati Mukhopadhyay
(Member)

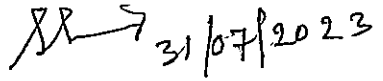
OBSERVATION

Oliur Rahaman, Assistant Teacher, Work Education (Pass) : As per the statement of the petitioner, he has been working as Assistant Teacher, work education on and from 06.07.2018 though he never appeared in any written examination. On the basis of his educational qualification, appointment was directly given to him on 06.07.2018. In absence of Original Resolution Book, we are not in a position to verify that on the strength of meeting no. 01/APPT./2018 dated 06.07.2018, the petitioner was appointed as Assistant Teacher following the Rules of Recruitment. As per Fakhruddin Al Mahmud, the Teacher-in-Charge of the Madrasah, this Petitioner has been working and receiving salary from Milangarh Sajjadia High Madrasah (H.S), Malda as Teacher-on-Deputation of Bengali from 17.02.2017 to June, 2019. The relevant papers showing that the Petitioner has drawn salary as Teacher-on-Deputation from 17.02.2017, has been filed by the Teacher-in-Charge. Naturally, there was no question of appointment as Assistant Teacher against sanctioned post on 06.07.2018 as he was then working as Teacher-on-Deputation and drawing salary from the Madrasah. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked as full time Assistant Teacher against sanctioned post in that Madrasah.


1. Justice Debi Prosad Dey 31/07/23
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)

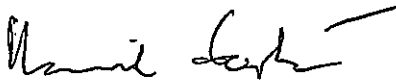

3. Shri Sripati Mukhopadhyay
(Member)

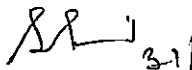
OBSERVATION

Abu Hayat, Group - D : The Petitioner is claiming himself as Night Guard in Milangarh Sajjadia High Madrasah (H.S), Malda. As per the statement of the petitioner, one Samsul Haque, the then Secretary handed over the appointment letter to him and he has been working since 10.04.2019. No Original Resolution has been produced to show that on the strength of meeting no. 2/APPT./2019 dated 05.04.2019, the petitioner was appointed following the Rules of Recruitment. The Teacher-in-Charge, Fakuruddin Al Mahmud and the D.I. of Schools have unequivocally stated by filing many many documents that the petitioner was never recruited following the Rules of Recruitment. There is no signature of the petitioner in the Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta
(Member) 31/07/2023


3. Shri Sripati Mukhopadhyay
(Member) 31/07/2023

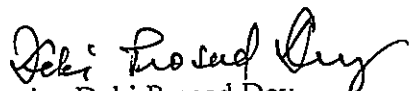
OBSERVATION

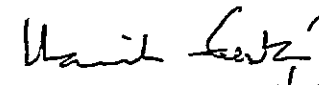
Papu Ali Saha, Assistant Teacher, Pure Science (Pass) : The petitioner is claiming that in terms of Meeting No. 04/1 APP-2019 dated 02.12.2019, he was appointed as Assistant Teacher in the vacancy of Pure Science (Pass) on 04.12.2019 and since then he has been working as Assistant Teacher. A photostat copy of Resolution dated 02.12.2019 has been filed along with the photostat copy of Sunday's Statesman, Kolkata publication dated 30.06.2019. The specific claim of the petitioner is that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

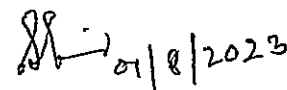
The Teacher In-charge of Mandarpur High Madrasah did not appear despite issuance of successive notices. The Teacher In-charge being custodian of original Resolution Book and the Attendance Registers of the Madrasah did not produce the said documents to verify the copy of Resolution filed by the Petitioner. Moreover, even if, we consider the copy of Resolution produced by the Petitioner, in that event also, it cannot be said that Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were complied with.

Subhasish Mitra, A.D.I., Contai has specifically stated that the aforesaid person was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. There is nothing in the Resolution produced by the petitioner to show that due intimation was given to the A.D.I. of Schools, at least three months prior to such recruitment in order to comply with the provision of Section 4 of the West Bengal Schools (Control & Expenditure) Act, 2005. Non appearance of the Teacher In-charge prevents the committee from verifying the attendance of the petitioner from the official Attendance Register and about the mode and manner of recruitment of the petitioner from the original Resolution Book of the Managing Committee. The work done certificate produced by the petitioner become useless and could not be verified since the original Attendance Register of the Madrasah has not been produced by the Teacher In-charge.

Under the circumstances stated above, we are of considered opinion that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

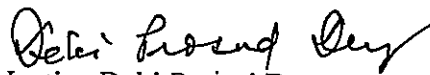

2. Shri Manish Gupta
(Member) 01/08/2023



3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

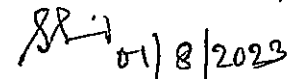
OBSERVATION

Md. Sujauddin Halder, Assistant Teacher Arabic (Pass): The petitioner obtained 45.33% marks in his B.A. (Hons.) examination. As per his claim, in terms of Meeting No. 04/F/2019 dated 02.12.2019, he was appointed as Assistant Teacher Arabic (Pass) on 04.12.2019 and he was working there since 10.12.2019. He came to know about the vacancy through advertisement published in Bengali newspaper Pratidin on 30.06.2019 and thereafter appeared in written examination. The petitioner has also filed the photostat copy of the Sunday's Statesman, Kolkata dated 30.06.2019 to show that the vacancy was duly published in paper. Some photo copies of the Resolutions adopted by the Managing Committee have also been filed. The Teacher-in-charge do not file original Resolution Book of the Madrasah and the Attendance Registers of the Madrasah. In absence of the original documents, Resolution Book and the Attendance Register, we are unable to accept that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The original Attendance Register have not been filed to show that the petitioner had been attending Madrasah since the date of his alleged joining in Madrasah. Subhasish Mitra, A.D.I., Contai has also stated by filing a report that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, we are of the considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never attended the Madrasah since 10.12.2019 (due to non-production of original Attendance Register for verification).


1. Justice Debi Prasad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Munmun Das, Assistant Teacher History (Pass) : The petitioner is claiming that in terms of Meeting No. 04/1 APP-2019 dated 02.12.2019, she was appointed as Assistant Teacher in the vacancy of Assistant Teacher History (Pass) on 04.12.2019 and since then she has been working as Assistant Teacher. A photostat copy of Resolution dated 02.12.2019 has been filed along with the photostat copy of Sunday's Statesman, Kolkata publication dated 30.06.2019. The specific claim of the petitioner is that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

The Teacher-in-charge of Mandarpur High Madrasah did not appear despite issuance of successive notices. The Teacher-in-charge being custodian of original Resolution Book and the Attendance Registers of the Madrasah did not produce the said documents to verify the copy of Resolution filed by the petitioner. Moreover, even if, we consider the copy of Resolution produced by the petitioner, in that event also, it cannot be said that Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were complied with.

Subhasish Mitra, A.D.I., Contai has specifically stated that the aforesaid person was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. There is nothing in the Resolution produced by the petitioner to show that due intimation was given to the ADI of Schools, at least three months prior to such recruitment in order to comply with the provision of Section 4 of the West Bengal Schools (Control & Expenditure) Act, 2005. Non appearance of the Teacher-in-charge prevents the committee from verifying the attendance of the petitioner from the official Attendance Register and about the mode and manner of recruitment of the petitioner from the original Resolution Book of the Managing Committee. The Work Done Certificate produced by the petitioner become useless and could not be verified since the original Attendance Register of the Madrasah has not been produced by the Teacher-in-charge.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.

Debi Prosad Dey
1. Justice Debi Prosad Dey *01/08/2023*
(Chairman)

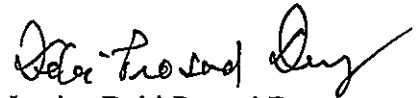
Manish Gupta
2. Shri Manish Gupta *01/08/2023*
(Member)

Shri Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member)

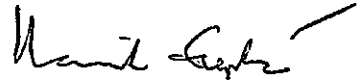
OBSERVATION

Saleha Khtun, Assistant Teacher Bengali (Pass): The petitioner is claiming that as per decision of the Managing Committee dated 16.09.2015 in terms of Meeting No. 01/End/APP she was recruited as Assistant Teacher of Bengali on 02.12.2015 and she has been attending the Madrasah on 10.12.2015. The petitioner has also filed photostat copy of the Resolution, appointment letter, joining report and Work Done Certificate. On scrutiny it transpires that the petitioner has had no requisite qualification to be appointed as Assistant Teacher. In absence of original documents and the Resolution of the Managing Committee, the photostat copies filed by the petitioner could not be verified with the originals. The Teacher-in-charge also did not appear with original Resolution of the Managing Committee and the Attendance Register. In absence of such documents, we are unable to scrutinize the claim of the petitioner and we cannot say that the petitioner had been attending Madrasah as a legally recruited teacher on 10.12.2019. More so, the Additional District Inspector of Schools, Contai, Subhasish Mitra has categorically stated that no intimation was given to the D.I./A.D.I. of Schools at the time of alleged recruitment and the petitioner was never recruited according to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/19R-14/2013 dated 09.02.2015. *The Petitioner had no requisite qualification to be appointed as Ass. teacher. ✓*

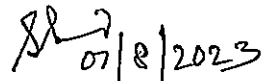
Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/19R-14/2013 dated 09.02.2015 and the petitioner never attended the Madrasah since 10.12.2019.



1. Justice Debi Prosad Dey *01/08/2023*
(Chairman)



2. Shri Manish Gupta *07/08/2023*
(Member)

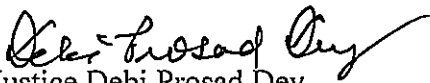



3. Shri Sripati Mukhopadhyay
(Member)

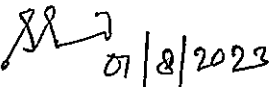
OBSERVATION

Roshnara Bibi , Group-D: The petitioner is claiming that she was appointed on compassionate ground as per Meeting No. 3/F/2019 dated 23.08.2019 by the Managing Committee following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The A.D.I., Contai has further clearly stated that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The petitioner on the other hand is claiming that she was Group-D employee in the Madrasah and after demise of her father in 2013, she was inducted as Group-D employee on compassionate ground. No Resolution or any document to that affect has been produced by the petitioner to show that she was inducted on compassionate ground. The paper publication of the Sunday's Statesman dated 30.06.2019 does not reveal any vacancy of Group-D employee. In absence of original Resolution Book, Attendance Register of the Madrasah and connected original documents (in terms of the claim of the petitioner) we could not find sufficient materials to hold that the petitioner was either recruited on compassionate ground or recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. We also do not find any document in absence of original Attendance Register to hold that the petitioner has been working since 03.10.2019.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

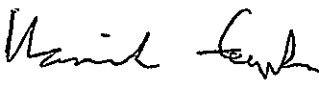
Rabiul Molla, Assistant Teacher, History (Pass) : The petitioner is claiming himself as Assistant Teacher, History (Pass) on the strength of the Resolution no. 01/MC/Appt./18 dated 04.12.2018 of the Managing Committee. The petitioner has filed a Photostat copy of Resolution dated 24.11.2018 wherefrom, it is crystal clear that recruitment rules being no. 486-MD/O/2M-11/2016 dated 03.03.2016 have not been complied with in the alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher of History (Pass). The petitioner himself admitted that he did not appear in any written examination or before an Interview Board for being recruited as Assistant Teacher. The petitioner stopped visiting the Madrasah on and from 20.03.2020.

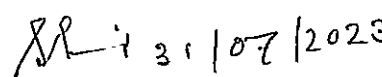
The Headmaster and D.I. of Schools have also stated that the petitioner was never recruited following the rules of recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and no intimation was given to the State of West Bengal at the time of alleged recruitment of the petitioner in terms of Sec-4(1) of The West Bengal Schools (control of expenditure) Act 2005.

The previous Teacher-in-Charge, Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

In absence of any valid Resolution of the Managing Committee, to show that recruitment rules were strictly followed in the alleged recruitment of the petitioner and the signature of the petition in the official Attendance Register, we are of the considered view that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/23


2. Shri Manish Gupta 31/07/2023
(Member)

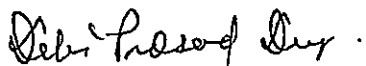

3. Shri Sripati Mukhopadhyay
(Member)

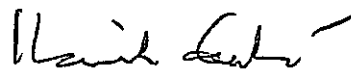
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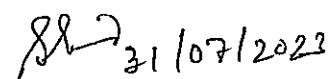
Aparup Saha, Assistant Teacher, Bengali (H/PG) : Admittedly, the petitioner obtained 37% marks in B.Com (Pass) examination and had no requisite qualification to be appointed as Assistant Teacher. The petitioner did not appear in any written examination or appeared before any Interview Board for being recruited as Assistant Teacher. Curiously enough, the appointment letter of the petitioner reveals that as per decision dated 19.08.2019 vide special meeting no. 1 the petitioner was given appointment by the Managing Committee. Record reveals that on 19.08.2019, there was no Managing Committee and the previous Managing Committee was permitted to continue to function with regard to day to day affairs and shall not take any policy decision or major financial decision as per the order of Hon'ble High Court in WT no. 12469 (W of 2019). Sec-4(1) of The West Bengal Schools (control of expenditure) Act 2005 provides that the school authority must intimate/take permission of the State Government for recruitment of any Teacher since the financial liability of the State Government arises as and when such appointment is made. The very appointment of the petitioner without having any Managing Committee and without having any requisite qualification appears to have been manufactured. There is no signature of the petitioner in the Attendance Register produced by the Headmaster.

The previous Teacher-in-Charge Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)

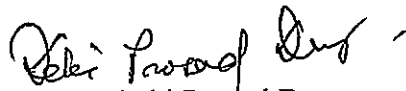

3. Shri Sripati Mukhopadhyay
(Member)

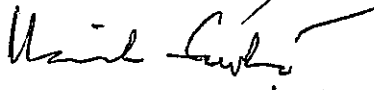
OBSERVATION

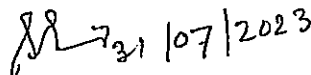
Nali Sardar, Assistant Teacher, Bengali (H/PG) : Admittedly, having no B.Ed. degree and requisite qualification to be appointed as Assistant Teacher Bengali (H/PG) is claiming himself to be an Assistant Teacher, Bengali (H/PG) in terms of Resolution no. SPL-01/KHM/HS/2017 dated 24.07.2017. Admittedly, the petitioner had no B.Ed. degree on the date of his joining at the Madrasah. The original Resolution Book of the Managing Committee does not reveal any such Resolution of 2017 by which the petitioner was allegedly appointed. The petitioner could not produce any Attendance Register or any Work Done Certificate. The Headmaster has stated that the petitioner never worked or never reported as Assistant Teacher in that Madrasah. The D.I. of School also corroborated such statement by filing a report against the petitioner.

The previous Teacher-in-Charge, Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

Under the circumstances, we are of the considered opinion that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 21/07/2023
(Member)


31/07/2023

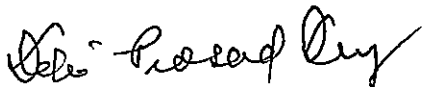
3. Shri Sripati Mukhopadhyay
(Member)

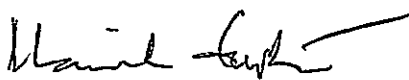
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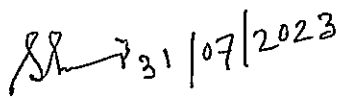
Sourav Das, Assistant Teacher, English (H/PG) : Admittedly, having no B.Ed. degree and requisite qualification to be appointed as Assistant Teacher, he is claiming himself to be an Assistant Teacher, English (H/PG) in terms of Resolution no. SPL-01/KHM/HS/2017 dated 24.07.2017. Admittedly, the petitioner had no B.Ed. degree on the date of his joining at the Madrasah. The original Resolution Book of the Managing Committee does not reveal any such Resolution of 2017 by which the petitioner was allegedly appointed. The petitioner could not produce any Attendance Register or any Work Done Certificate. The Headmaster has stated that the petitioner never worked or never reported as Assistant Teacher in that Madrasah. The D.I. of School also corroborated such statement by filing a report against the petitioner.

The previous Teacher-in-Charge Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

Under the circumstances, we are of the considered opinion that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

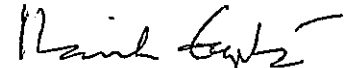
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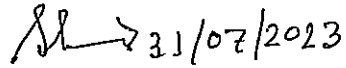
Anik Halder, Assistant Teacher, Bengali (H/PG) : Admittedly, the petitioner was never recruited following the rules of recruitment and having no requisite qualification to be appointed as Teacher. The petitioner did not appear in any written examination or appeared before any Interview Board for being recruited as Assistant Teacher. Curiously enough, the appointment letter of the petitioner reveals that as per decision dated 19.08.2019 vide special meeting no. 1 the petitioner was given appointment by the Managing Committee. Record reveals that on 19.08.2019, there was no Managing Committee and the previous Managing Committee was permitted to continue to function with regard to day to day affairs and shall not take any policy decision or major financial decision as per the order of Hon'ble High Court in WT no. 12469 (W of 2019). Sec-IV (West Bengal Schools (control of expenditure) 2005, provides that the school authority must intimate/take permission of the State Government for recruitment of any Teacher since the financial liability of the State Government arises as and when such appointment is made. The vary appointment of the petitioner without having any Managing Committee and without having any requisite qualification appears to have been manufactured. There is no signature of the petitioner in the Attendance Register produced by the Headmaster.

The previous Teacher-in-Charge Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Smt. Papi Das Roy, The Petitioner is claiming herself as legally recruited Asstt. Teacher, Bengali (H/PG) in Mathabhanga High Madrasah, Coochbehar. As per the Petitioner she joined the said Madrasah on 25.02.2016. Admittedly, the Petitioner never appeared in any written examination. The Petitioner also did not sign in the official Attendance Register and her service was never approved by D.I. of Schools, Coochbehar.

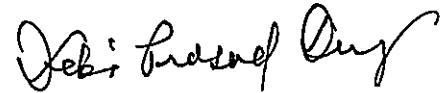
The Headmaster, Md. Abdul Baten Ali has produced one Resolution Book containing two resolutions of 2015 and 2016. The remaining pages of that Resolution Book are blank. The Headmaster admitted that original Resolution Book containing the entire matters of management have not been produced by him. It is apparent from the statement of the Headmaster that the Rules of Recruitment as per G.O. No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not followed at the time of alleged recruitment of the Petitioner.

The D.I. of Schools, Samar Chandra Mondal has categorically stated that the claim of the Petitioner is fake and fabricated for the reasons that the external experts as mentioned in the alleged Resolution Book of the Managing Committee, have specifically stated that their signatures were forged in the Resolution Book of the Managing Committee.

Admittedly, the Rules of Recruitment has stated in G.O. No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied at the time of recruitment of the aforesaid petitioner. The Resolution Book appears to have been manufactured for the purpose of this verification process. Admittedly, the Petitioner never signed the official Attendance Register. The signatures of experts have been forged as per the statement of D.I. of Schools. All such documents have also been filed by D.I. of Schools.

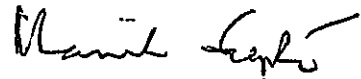
In the premises set-forth above, we are of the considered opinion that petitioner, Smt. Papi Das Roy never recruited following Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in Mathabhanga High Madrasah. Documents in support of her appointment have been manufactured as per the statement of D.I. of Schools.

In that view of this matter, the Work Done Certificate issued by the Headmaster could not be relied upon.



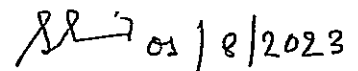
1. Justice Debi Prosad Dey
(Chairman)

09/08/2023



2. Shri Manish Gupta
(Member)

01/08/2023



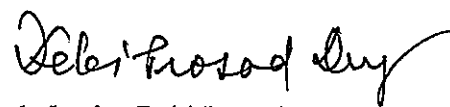
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Emran Miyan, The Petitioner is claiming himself that he was appointed as Group-D (Peon) at Mathabhanga High Madrasah on 24.02.2016. He did not appear in any written examination. He never signed on the official Attendance Register. The Headmaster has also admitted that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with at the time of alleged appointment of Emran Miyan.

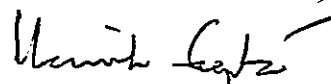
D.I. of Schools, Coochbehar has also stated that the papers have been manufactured and the Petitioner was never appointed following the Rules of Recruitment. The Headmaster intentionally suppressed the official Attendance Register and did not produce the official and original Resolution Book of the Managing Committee of Mathabhanga High Madrasah. Only one Resolution Book containing two resolutions of 2015 and 2016 has been produced. The remaining pages of such Resolution Book are blank.

Having regard to the circumstances and the documents filed by D.I. of Schools, we are of the considered opinion that the petitioner, Emran Miyan was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the certificate issued by the Headmaster cannot be relied on. The Resolution Book, certificate and other documents have been manufactured to get undue advantage in matters of verification process.



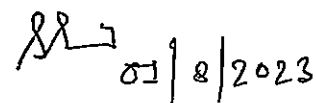
1. Justice Debi Prosad Dey
(Chairman)

09/08/2023



2. Shri Manish Gupta
(Member)

01/8/2023



3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

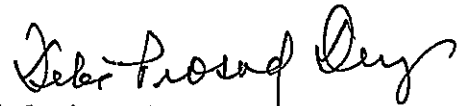
Indrajit Paul, The Petitioner is claiming himself as Asstt. Teacher, Math (H/PG) of Mathabhanga High Madrasah and that he was appointed on 22.02.2016. Admittedly, Indrajit Paul obtained his B.Ed degree as regular student in the year 2017 and therefore he had no requisite qualification to be appointed as Asstt. Teacher Math (H/PG) in Mathabhanga High Madrasah on 26.02.2016.

Indrajit Paul never appeared in any written examination for being recruited as Asstt. Teacher Math. He also did not sign on the official Attendance Register since his alleged joining in Mathabhanga High Madrasah. Headmaster has also admitted that the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with at the time of alleged recruitment of Indrajit Paul.

The Resolution Book containing only two resolutions for the year 2015 and 2016 is not the original Resolution Book of the Managing Committee but the same has been manufactured for the purpose of this verification process.

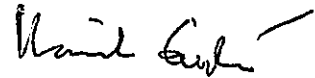
The Headmaster intentionally suppressed the original Resolution Book and the Attendance Register in order to keep the Committee dark about the actual state of affairs. The D.I. of Schools has also stated that the Petitioner was never appointed following the Rules of Recruitment and the documents have been manufactured by the alleged members of the Selection Committee of Mathabhanga High Madrasah, Coochbehar to give legality in the alleged appointment of the Petitioner.

In the premises set forth above, we are of the considered opinion that petitioner, Indrajit Paul has no requisite qualification following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in Mathabhanga High Madrasah.



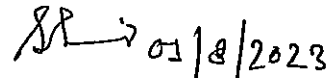
1. Justice Debi Prosad Dey
(Chairman)

01/08/2023



2. Shri Manish Gupta
(Member)

01/08/2023



3. Shri Sripati Mukhopadhyay
(Member)

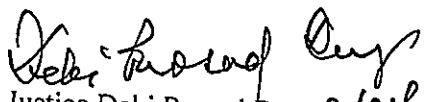
OBSERVATION

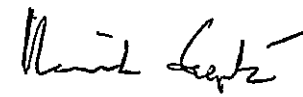
Moksadul Alam, The Petitioner is claiming himself to be a Group-C employee of Mathabhanga High Madrasah. As per the statement of the Petitioner he joined the said Madrasah on 25.02.2016. The Headmaster himself stated that Rules of Recruitment were not followed at the time of recruitment of Moksadul Alam. But Moksadul Alam has stated that he duly appeared in the written examination and before the Interview Board for being recruited as Group-C employee.

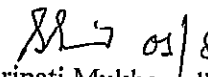
The Resolution Book containing only two Resolution Books for the year 2015 and 2016 appeared to have been manufactured. As per D.I. of Schools, documents were manufactured by the Petitioner and they were never appointed following the Rules of Recruitment. The original Resolution Book and the Attendance Register have not been produced by the Headmaster in order to keep the Committee in dark about the actual state of affairs.

Moreover, the Petitioner being brother of the then Secretary of the Managing Committee has taken undue advantage to be part of the conspiracy in manufacturing documents.

In the premises set-forth above, we are of the considered opinion that petitioner, Moksadul Alam has no requisite qualification following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in Mathabhanga High Madrasah.


1. Justice Debi Prosad Dey 01/08/2023
(Chairman)


2. Shri Manish Gupta 01/8/2023
(Member)

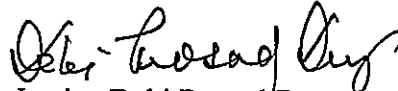

3. Shri Sripati Mukhopadhyay 01/8/2023.
(Member)

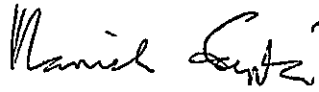
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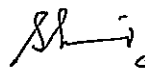
Abdul Wahab, Assistant Teacher, Theology (Pass) :The Petitioner is claiming himself as Assistant Teacher, Theology (Pass) on the strength of appointment letter dated 18.02.2016 issued by Teacher-in-Charge Hassan Ali Sarkar and the Joining Report dated 24.02.2016 accepted by Teacher-in-Charge.

Admittedly, as per records produced by the D.I. of Schools, Uttar Dinajpur and Madrasah authority, there was no Managing Committee on 18.02.2016 and the Madrasah was under the administration of an administrator appointed by the Government. The Teacher-in-Charge accordingly, also cannot issue letter of appointment on the basis of any proposal of administrator. Moreover, no such appointed person can formally report to the Teacher-in-Charge. As per report of D.I. of Schools, Abdul Wahab was never appointed following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015. The petitioner obtained on 36.61% in his B.A. examination and had no B.Ed. degree at the time of his alleged appointment.

Considering the documents produced by the Petitioner as well as by the Teacher-in-Charge and D.I. of Schools, we are of considered opinion that the Petitioner was never recruited following the rules of recruitment being no. 93-SE/S/10R-14/2013 dated 09.02.2015, having no requisite qualification. The Teacher-in-Charge, however, did not produce the official Attendance Register to show that the Petitioner has been attending the Madrasah. The Work Done Certificate issued by the Teacher-in-Charge can safely be ignored for the reasons stated hereinabove.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/8/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

OBSERVATION

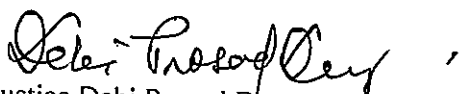
Ekramul Haque:- The petitioner, Ekramul Haque was appointed as Group 'D' employee in Metekona High Madrasah, Birbhum on 17/05/2018 in terms of the Hon'ble Supreme Court's order passed in C.A. No. 5808/2017. A resolution to that effect was adopted by the Managing Committee on 27/05/2018.


Admittedly, the petitioner was not recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The petitioner never signed in the official Attendance Register maintained by the Madrasah.

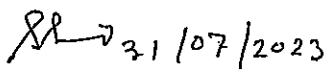
Md. Nazrul Islam, the Headmaster of the Metekona High Madrasah, Birbhum, has categorically stated that there is no such Resolution dated 27/05/2018 in the Resolution Book and the copy of the Resolution dated 27/05/2018 filed by the petitioner is fake and fabricated. The petitioner never signed in the Attendance Register of the Madrasah and never worked in the Madrasah being legally recruited as Group-D employee.

The District Inspector of the Schools, Birbhum, also stated by filing a specific report against the petitioner that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016.

In such circumstances, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah. The Appointment Letter, Joining Letter and the copy of Resolution appeared to have been manufactured for the purpose of this verification.


1) Justice Debi Prosad Dey
(Chairman) 31/07/2023


2) Shri Manish Gupta 31/07/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

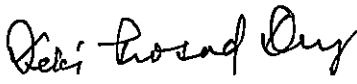
Asmaul Husna, Assistant Teacher, English (H/PG) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, she is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, she joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, she was recruited on the basis of the interview and she never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

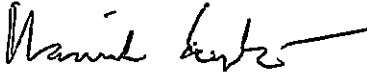
The A.D.I. Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others – vs – State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

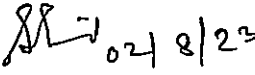
The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other – vs – State).

Under the circumstances stated above, we have no hesitation to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.

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1. Justice Debi Prosad Dey
(Chairman) 04/08/2023


2. Shri Manish Gupta
(Member) 04/08/2023


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

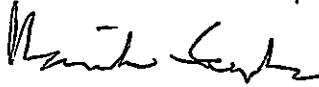
Abdulla Tarafdar, Assistant Teacher, Bengali (Pass) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, she is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, he joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, he was recruited on the basis of the interview and she never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

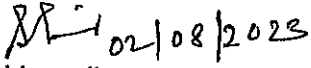
The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others - vs - State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other - vs - State).

Under the circumstances stated above, we have no hesitation to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Injimamul Hossain, Assistant Teacher, Arabic (Pass) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, he is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, she joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, he was recruited on the basis of the interview and she never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others – vs – State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other – vs – State).

Under the circumstances stated above, we have no hesitation to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law. *The Petitioner never attended the Madrasah.*

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Debi Prosad Dey 02/08/23
1. Justice Debi Prosad Dey
(Chairman)

Manish Gupta 02/08/23
2. Shri Manish Gupta
(Member)

Sri 02/08/23
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Mahabur Rahaman, Assistant Teacher, Bio-Science (Pass) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, he is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, he joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, he was recruited on the basis of the interview and he never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others – vs – State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other – vs – State).

Under the circumstances stated above, we have no hesitation to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.

✓
1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

2. Shri Manish Gupta
(Member) 02/08/2023

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

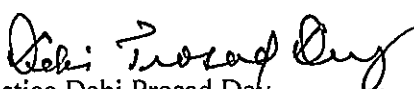
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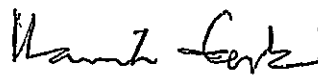
Jesmin Nahar, Assistant Teacher, Education (H/PG) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, she is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, she joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, she was recruited on the basis of the interview and she never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

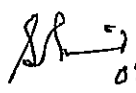
The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others – vs – State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other – vs – State).

Under the circumstances stated above, we have no hesitation to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/23


OBSERVATION

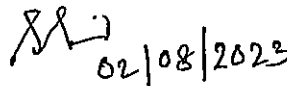
Md. Abdur Rahaman Gazi, Assistant Teacher, Geography (H/PG) : As per the petitioner, he was appointed on the basis of interview conducted by the Managing Committee and he never appeared in any written examination. The resolution dated 29.01.2016 also reveals that the petitioner was appointed on the basis of interview only. The procedure adopted for recruitment of the petitioner was not in accordance to the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner thus, has not been recruited following the Rules of Recruitment in accordance with law. However, the A.D.I., Basirhat approved the service of the petitioner erroneously contrary to the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and directions passed by Hon'ble High Court in W.P. No. 11889 of 2019.

It is, therefore, apparent from the statement of the Headmaster, A.D.I., Basirhat, the petitioner and the resolution adopted by the Managing Committee that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the photostat copies of Work Done Certificate of the petitioner coupled with his signature in separate Attendance Register would not legalize his appointment in the Madrasah.

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1. Justice Debi Prosad Dey 02/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

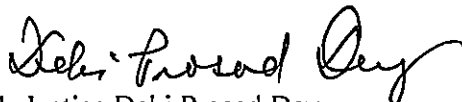
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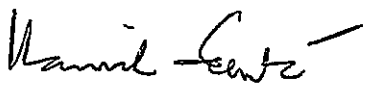
Moumita Mondal, Assistant Teacher, Bio-Science (H/PG) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, she is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, she joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, she was recruited on the basis of the interview and she never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

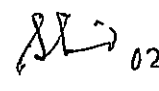
The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others – vs – State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other – vs – State).

Under the circumstances stated above, we have no hesitation to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Rita Farmuda Yesmin, Assistant Teacher, Math (H/PG) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, she is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, she joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, she was recruited on the basis of the interview and she never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others – vs – State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other – vs – State).

Under the circumstances stated above, we have no hesitation to show that the petitioner has no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.

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Debi Prosad Dey
1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

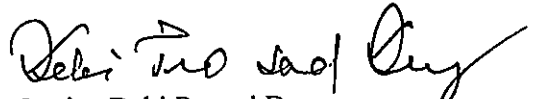
Manish Gupta
2. Shri Manish Gupta 02/08/2023
(Member)


Sri Sri Pati Mukhopadhyay
3. Shri Sri Pati Mukhopadhyay 02/8/2023
(Member)

OBSERVATION

Safiul Haque Mistry, Assistant Teacher, Physical Education (Pass) : As per the petitioner, he was appointed on the basis of interview conducted by the Managing Committee and he never appeared in any written examination. The resolution dated 29.01.2016 also reveals that the petitioner was appointed on the basis of interview only. The procedure adopted for recruitment of the petitioner was not in accordance to the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner thus, has not been recruited following the Rules of Recruitment in accordance with law. However, the A.D.I., Basirhat approved the service of the petitioner erroneously contrary to the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and directions passed by Hon'ble High Court in W.P. No. 11889 of 2019.

It is, therefore, apparent from the statement of the Headmaster, A.D.I., Basirhat, the petitioner and the resolution adopted by the Managing Committee that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the photostat copies of Work Done Certificate of the petitioner coupled with his signature in separate Attendance Register would not legalize his appointment in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member)

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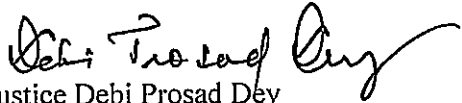
OBSERVATION

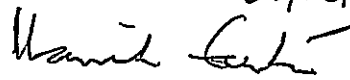
Rajaul Akter Alam, Assistant Teacher, Arabic (H/PG) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, he is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, he joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, he was recruited on the basis of the interview and she never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

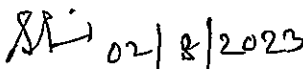
The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others - vs - State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other - vs - State).

Under the circumstances stated above, we have no hesitation to show that the petitioner has no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

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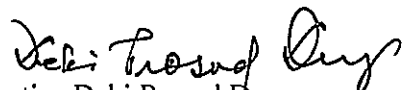
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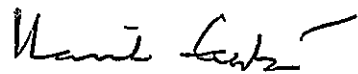
Aparesh Mandal, Assistant Teacher, Math (Pass) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, he is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, he joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, he was recruited on the basis of the interview and he never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

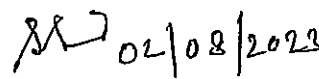
The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others – vs – State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other – vs – State).

Under the circumstances stated above, we have no hesitation to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Md. Mahafuzar Rahaman Laskar, Assistant Teacher, Arabic (H/PG) : The petitioner having no requisite qualification to be appointed as Assistant Teacher, he is claiming that in terms of letter of appointment issued by the Managing Committee on 30.01.2016, he joined the Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas on 08.02.2016 and has been working there since then. As per the petitioner, he was recruited on the basis of the interview and he never appeared for any written examination. Sk. Abdul Aziz, the Teacher-in-Charge of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas has stated that the petitioner was recruited on the basis of "Walk-in-Interview" by the Managing Committee. That clearly goes to show that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015.

The A.D.I., Basirhat was never informed about recruitment of the petitioner as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The A.D.I., Basirhat specifically stated that the petitioner was never recruited following the Rules of Recruitment and the recruitment of the petitioner is contrary to the directions given by the Hon'ble High Court in W.P.A. No. 11889/2019 (Aparesh Mondal & Others - vs - State). On scrutiny of the Resolution Book of the Managing Committee, we find that some teachers were recruited on the basis of interview and accordingly the appointment was given by the Managing Committee. It is crystal clear from the resolutions dated 04.01.2016, 29.01.2016 & 10.02.2016 that the petitioner was never recruited following the Rules of Recruitment. The statement of A.D.I., Basirhat and the Teacher-in-Charge also show that the petitioner was never recruited following the Rules of Recruitment.

The A.D.I., Basirhat has, however, stated that the service of the petitioner was approved by the then A.D.I. erroneously, contrary to the provision to the recruitment rules and the directions given by the Hon'ble High Court in W.P.A. no. 11889/2019 (Aparesh Mondal & other - vs - State).

Under the circumstances stated above, we have no hesitation to show that the petitioner has no requisite qualification to be appointed as Assistant Teacher, was never recruited following Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the signature of the petitioner in separate Attendance Register or the photostat copy of the Work Done Certificate would not legalize the recruitment of the petitioner in accordance with law.

✓
1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

2. Shri Manish Gupta
(Member) 02/08/2023

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Nashrin Parveen, Assistant Teacher, Bio-Science (Pass) : As per the petitioner, she was appointed on the basis of interview conducted by the Managing Committee and she never appeared in any written examination. The resolution dated 29.01.2016 also reveals that the petitioner was appointed on the basis of interview only. The procedure adopted for recruitment of the petitioner was not in accordance to the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner thus, has not been recruited following the Rules of Recruitment in accordance with law. However, the A.D.I., Basirhat approved the service of the petitioner erroneously contrary to the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and directions passed by Hon'ble High Court in W.P. No. 11889 of 2019.

It is, therefore, apparent from the statement of the Headmaster, A.D.I., Basirhat, the petitioner and the resolution adopted by the Managing Committee that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. Therefore, the photostat copies of Work Done Certificate of the petitioner coupled with her signature in separate Attendance Register would not legalize her appointment in the Madrasah.

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1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

2. Shri Manish Gupta
(Member) 02/08/2023

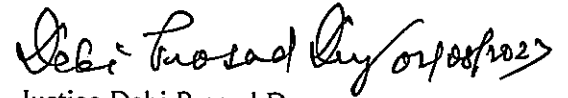
3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

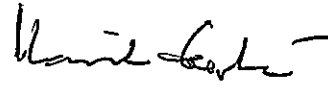
Md. Mohinul Haque Molla, Group - D : As per the petitioner, he was appointed as Group – D employee in Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas and thereafter he has been working in the Madrasah on and from 09.02.2016 as casual employee.

The Teacher-in-Charge specifically stated that the petitioner was never recruited following the Rules of Recruitment and his service was never approved by any authority. The A.D.I., Basirhat, Santa Das also corroborated that the service of non-Teaching staff of such Madrasah was never approved from her office and they were not recruited following prescribed Rules of Recruitment. The resolution dated 04.01.2016 & 29.01.2016 also reveals that Rules of Recruitment were not followed in the appointment of the petitioner.

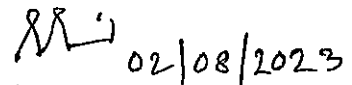
Under the circumstances stated above, we are confident to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 or 486-MD/O/2M-11/2016 dated 03.03.2016 and the photostat copy of Work Done Certificate and signature in the separate Attendance Register would not legalize the recruitment of the petitioner.



1. Justice Debi Prosad Dey
(Chairman)



2. Shri Manish Gupta 02/08/2023
(Member)



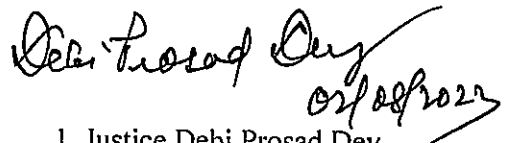
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Abul Hasan Molla, Group-D : As per the petitioner, he was appointed as Group – D employee in Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas and thereafter he has been working in the Madrasah.

The Teacher-in-Charge specifically stated that the petitioner was never recruited following the Rules of Recruitment and his service was never approved by any authority. The A.D.I., Basirhat, Santa Das also corroborated that the service of non-Teaching staff of such Madrasah was never approved from her office and they were not recruited following prescribed Rules of Recruitment. The resolution dated 04.01.2016 & 29.01.2016 also reveals that Rules of Recruitment were not followed in the appointment of the petitioner.

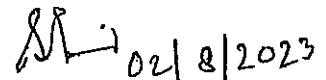
Under the circumstances stated above, we are confident to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 or 486-MD/O/2M-11/2016 dated 03.03.2016 and the photostat copy of Work Done Certificate and signature in the separate Attendance Register would not legalize the recruitment of the petitioner.


02/08/2023

1. Justice Debi Prosad Dey
(Chairman)



2. Shri Manish Gupta
(Member)


02/08/2023

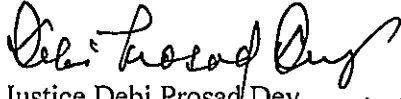
3. Shri Sripati Mukhopadhyay
(Member)

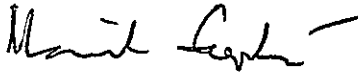
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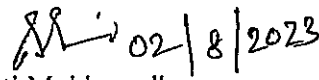
Arzina Sahaji, Group - D : As per the petitioner, she was appointed as Group – D employee on 16.09.2019 of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas and thereafter she has been working in the Madrasah.

The Teacher-in-Charge specifically stated that the petitioner was never recruited following the Rules of Recruitment and her service was never approved by any authority. The A.D.I., Basirhat, Santa Das also corroborated that the service of non-Teaching staff of such Madrasah was never approved from her office and they were not recruited following prescribed Rules of Recruitment. The resolution dated 04.01.2016 & 29.01.2016 also reveals that Rules of Recruitment were not followed in the appointment of the petitioner.

Under the circumstances stated above, we are confident to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 or 486-MD/O/2M-11/2016 dated 03.03.2016 and the photostat copy of Work Done Certificate and signature in the separate Attendance Register would not legalize the recruitment of the petitioner.


1. Justice Debi Prosad Dey
(Chairman) 07/08/2023


2. Shri Manish Gupta
(Member) 07/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/8/2023

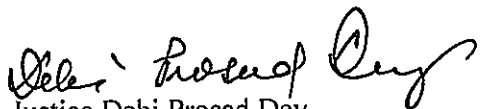
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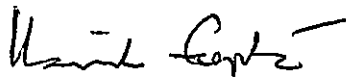
Mosaddek Hossain, Group - D : As per the petitioner, he was appointed on the basis of an interview as Group – D employee on 30.01.2016 of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas and thereafter he has been working in the Madrasah on and from 09.02.2016.

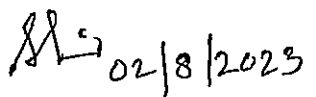
The Teacher-in-Charge specifically stated that the petitioner was never recruited following the Rules of Recruitment and his service was never approved by any authority. The A.D.I., Basirhat, Santa Das also corroborated that the service of non-Teaching staff of such Madrasah was never approved from her office and they were not recruited following prescribed Rules of Recruitment. The resolution dated 04.01.2016 & 29.01.2016 also reveals that Rules of Recruitment were not followed in the appointment of the petitioner.

Under the circumstances stated above, we are confident to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the photostat copy of Work Done Certificate and signature in the separate Attendance Register would not legalize the recruitment of the petitioner.

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1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)

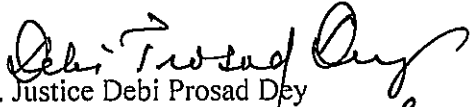

3. Shri Sripati Mukhopadhyay
(Member)

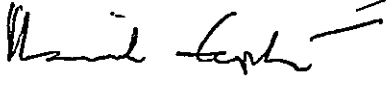
OBSERVATION

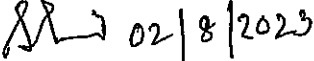
Siddiqullah Gazi, Group - D : As per the petitioner, he was appointed on the basis of an interview as Group – D employee on 30.01.2016 of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas and thereafter he has been working in the Madrasah on and from 09.02.2016.

The Teacher-in-Charge specifically stated that the petitioner was never recruited following the Rules of Recruitment and his service was never approved by any authority. The A.D.I., Basirhat, Santa Das also corroborated that the service of non-Teaching staff of such Madrasah was never approved from her office and they were not recruited following prescribed Rules of Recruitment. The resolution dated 04.01.2016 & 29.01.2016 also reveals that Rules of Recruitment were not followed in the appointment of the petitioner.

Under the circumstances stated above, we are confident to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the photostat copy of Work Done Certificate and signature in the separate Attendance Register would not legalize the recruitment of the petitioner.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member) 02/8/2023

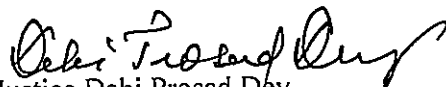
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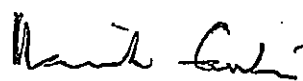
OBSERVATION

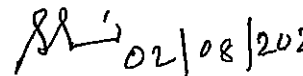
Azizur Rahaman Molla, Group-D : As per the petitioner, he was appointed on the basis of an interview as Group-D employee on 30.01.2016 of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas and thereafter he has been working in the Madrasah on and from 09.02.2016.

The Teacher-in-Charge specifically stated that the petitioner was never recruited following the Rules of Recruitment and his service was never approved by any authority. The A.D.I., Basirhat, Santa Das also corroborated that the service of non-Teaching staff of such Madrasah was never approved from her office and they were not recruited following prescribed Rules of Recruitment. The resolution dated 04.01.2016 & 29.01.2016 also reveals that Rules of Recruitment were not followed in the appointment of the petitioner.

Under the circumstances stated above, we are confident to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the photostat copy of Work Done Certificate and signature in the separate Attendance Register would not legalize the recruitment of the petitioner.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

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2. Shri Manish Gupta 02/08/2023
(Member)

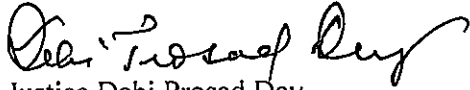
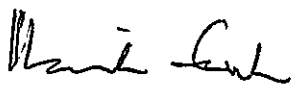
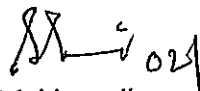

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION

Sabir Uddin Mir, Group-C (Clerk) : As per the petitioner, he was appointed on the basis of an interview as Group-C employee on 30.01.2016 of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas and thereafter he has been working in the Madrasah on and from 08.02.2016. Admittedly, the petitioner was never recruited following the Rules of Recruitment Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The said fact has been corroborated by the A.D.I., Basirhat, Santa Das and Sk. Abdul Aziz, Teacher-in-Charge of the Madrasah.

The Teacher-in-Charge specifically stated that the petitioner was never recruited following the Rules of Recruitment and his service was never approved by any authority. The A.D.I., Basirhat, Santa Das also corroborated that the service of non-Teaching staff of such Madrasah was never approved from her office and they were not recruited following prescribed Rules of Recruitment. The resolution dated 04.01.2016 & 29.01.2016 also reveal that Rules of Recruitment were not followed in the appointment of the petitioner.

Under the circumstances stated above, we are confident to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the photostat copy of Work Done Certificate and signature in the separate Attendance Register would not legalize the recruitment of the Petitioner.

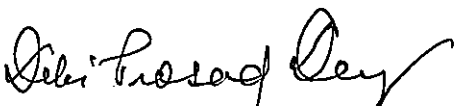
- ✓
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1. Justice Debi Prosad Dey
(Chairman) 02/08/2023
- 
2. Shri Manish Gupta 02/08/2023
(Member)
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3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

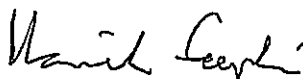
OBSERVATION

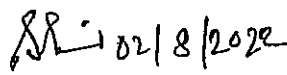
Sanjay Mondal, Group-C (Clerk) : As per the petitioner, he was appointed on the basis of an interview as Group-C employee on 30.01.2016 of Sundarban H.M.T.A.A. High Madrasah (H.S), North 24 Parganas and thereafter he has been working in the Madrasah on and from 08.02.2016. Admittedly, the petitioner was never recruited following the Rules of Recruitment Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015. The said fact has been corroborated by the A.D.I., Basirhat, Santa Das and Sk. Abdul Aziz, Teacher-in-Charge of the Madrasah.

The Teacher-in-Charge specifically stated that the petitioner was never recruited following the Rules of Recruitment and his service was never approved by any authority. The A.D.I., Basirhat, Santa Das also corroborated that the service of non-Teaching staff of such Madrasah was never approved from her office and they were not recruited following prescribed Rules of Recruitment. The resolution dated 04.01.2016 & 29.01.2016 also reveal that Rules of Recruitment were not followed in the appointment of the petitioner.

Under the circumstances stated above, we are confident to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. notification no. 93-SE/S/10R-14/2013 dated 09.02.2015 and the photostat copy of Work Done Certificate and signature in the separate Attendance Register would not legalize the recruitment of the petitioner.


1. Justice Debi Prasad Dey
(Chairman) 02/08/2022

✓

2. Shri Manish Gupta 02/08/2022
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Tanmoy Pal, Assistant Teacher, History (Pass) :-The petitioner, Tanmoy Pal is claiming himself that he was appointed as Assistant Teacher, History (Pass) of the Rambag Siddiquia Jr. High Madrasah, Purba Medinipur on 03/12/2019 and he has been working in that Madrasah since 16/12/2019. The petitioner obtained 47% marks in his B.A. examination and B. ED. degree in the year 2014.

Admittedly, the petitioner obtained less than 50% in aggregate and thereby, ineligible to be appointed as Assistant Teacher. In other words, the petitioner had no requisite qualification to be appointed as Assistant Teacher of the Madrasah.

Secondly, the Managing Committee of the Rambag Siddiquia Jr. High Madrasah, Purba Medinipur was recognized as new setup Jr. High Madrasah on 27/10/2010 vide Memo. No. 4378 for one year, subject to fulfilling of the condition mentioned in such letter of recognition.

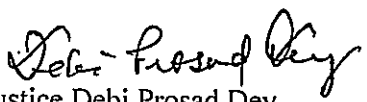
The document filed by the Headmaster reveals that finally, the Board extended the term of Ad-hoc Managing Committee of Rambag Siddiquia Jr. High Madrasah, for one year with effect from 18/05/2019 vide Memo. No. 774/1(2)/MC/19 dated 02/07/2019.

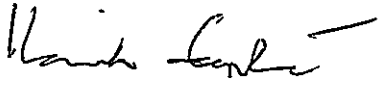
Admittedly, the Ad-hoc Managing Committee of the Madrasah cannot recruit teachers out of its own but, the teachers of the new setup of the Madrasah should be appointed by the Managing Committee only on the recommendation of the West Bengal Madrasah Service Commission for selection of teachers in the Madrasah. Therefore, on 03/12/2019, 16/12/2019, there was no valid sanction of the Madrasah and the Ad-hoc Managing Committee had no lawful authority to appoint/recruit any full time teacher in the Madrasah. The Work Done Certificate, advertisement made in the Newspapers etc. have become redundant for want of recognition of the Madrasah and its Managing Committee. The attested copy of the Attendance Register also become redundant, since the Ad-hoc Managing Committee had no authority to recruit teachers. The Resolution of the Ad-hoc Managing Committee could not be verified for want of the original Resolution Book. The advertisement in the Newspapers sent to the Government for approval etc. also become redundant for not having valid sanctioned Madrasah and its Managing Committee. The D.I./ADI of Schools, Purba Menidipur, Mr. Subhasis Mitra, by filing a specific report, has stated that the Madrasah Committee was not recognized by the Board and that alleged appointment of teachers was never made following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. As per the report of the DI of School, the petitioner was never recruited with the permission of the ADI, Contai or DI of School, Purba Medinipur.

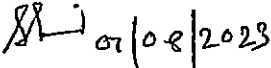
M. Subhasis Mitra 825
01/8/23

The statement of the Headmaster, Mr. Md. Mahboob Hossain, cannot be accepted without perusing the original Resolution of the Madrasah and the original Attendance Register. There was no vacancy existed on 03/12/2019 as Assistant Teacher, History (Pass) in the Madrasah.

Under the circumstances stated above, we are of the definite opinion that the petitioner, Tanmoy Pal was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as legally recruited Assistant Teacher in the Madrasah. The document filed by the petitioner, can safely be ignored, having regard to the fact that the petitioner had no requisite qualification to be appointed as Assistant Teacher of the Madrasah and the Ad-hoc Managing Committee had no legal right to recruit any teacher for the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 07/08/23


2) Shri Manish Gupta 07/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

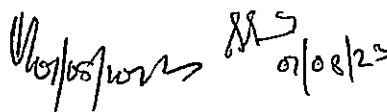
Barun Maity, Assistant Teacher, Pure Science (Pass):-As per the statement of the petitioner, Barun Maity, he was recruited on the basis of the decision of the Ad-hoc Managing Committee of the Madrasah vide Meeting No.01/19/SLP dated 13/11/2019 as Assistant Teacher. In absence of the original Resolution Book of the Ad-hoc Managing Committee, we cannot accept the said Resolution of the Ad-hoc Managing Committee.

Secondly, the Managing Committee of the Rambag Siddiquia Jr. High Madrasah, Purba Medinipur was recognized as new setup Jr. High Madrasah on 27/10/2010 vide Memo. No. 4378 for one year, subject to fulfilling of the condition mentioned in such letter of recognition.

The document filed by the Headmaster reveals that finally, the Board extended the term of Ad-hoc Managing Committee of Rambag Siddiquia Jr. High Madrasah, for one year with effect from 18/05/2019 vide Memo. No. 774/1(2)/MC/19 dated 02/07/2019.

Admittedly, the Ad-hoc Managing Committee of the Madrasah cannot recruit teachers out of its own but, the teachers of the new setup of the Madrasah should be appointed by the Managing Committee only on the recommendation of the West Bengal Madrasah Service Commission for selection of teachers in the Madrasah. Therefore, on 03/12/2019, 16/12/2019, there was no valid sanction of the Madrasah and the Ad-hoc Managing Committee had no lawful authority to appoint/recruit any full time teacher in the Madrasah. The work done certificate, advertisement made in the Newspaper etc. have become redundant, for want of recognition of the Madrasah and its Managing Committee. The attested copy of the attendance register also become redundant, since the Ad-hoc Managing Committee had no authority to recruit teachers. The Resolution of the Ad-hoc Managing Committee could not be verified for want of the original Resolution Book. The advertisement in the Newspaper, papers sent to the Government for approval etc. also become redundant for not having valid sanctioned Madrasah and its Managing Committee. The D.I./ADI of Schools, Purba Menidipur, Mr. Subhasis Mitra, by filing a specific report, has stated that the Madrasah Committee was not recognized by the West Bengal Board of Madrasah Education and that alleged appointment of teachers was never made following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. As per the report of the DI of School, the petitioner was never recruited with the permission of the ADI, Contai or DI of School, Purba Medinipur.

The statement of the Headmaster, Mr. Md. Mahboob Hossain, cannot be accepted without perusing the original Resolution of the Madrasah and the original attendance register. There was no vacancy existed on 03/12/2019 as Assistant Teacher, Pure Science (Pass) in the Madrasah.


Handwritten signature and date: 01/08/25

Under the circumstances stated above, we are of the definite opinion that the petitioner, Barun Maity was never recruited following the Rules of Recruitment as per Govt. Notification No.486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as legally recruited Assistant Teacher in the Madrasah. The document filed by the petitioner, can safely be ignored, having regard to the fact that the petitioner had no requisite qualification to be appointed as Assistant Teacher of the Madrasah and the Ad-hoc Managing Committee had no legal right to recruit any teacher for the Madrasah.

Debi Prosad Dey

1) Justice Debi Prosad Dey *01/08/23*
(Chairman)

Manish Gupta

2) Shri Manish Gupta *01/08/2023*
(Member)

SR *01/08/23*

3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

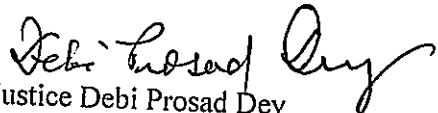
Sandipan Pahari, Assistant Teacher English (Pass): The petitioner is claiming that he was appointed on 03.12.2019 and he has been working in the Madrasah on and from 16.12.2019. Admittedly, the petitioner obtained 46.45% marks in aggregate in his B.A. Examination. That clearly goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher English (Pass).

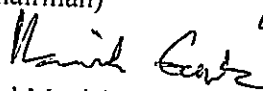
The appointment letter reveals that appointment was given by Ad-hoc Managing Committee of Rambag Siddiqua Jr. High Madrasah.

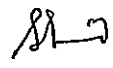
Admittedly, Ad-hoc Managing Committee of Madrasah cannot recruit Teachers but the Teachers are to be recruited through the West Bengal Madrasah Service Commission. Even if there is no existence of such Madrasah Service Commission, the Ad-hoc Managing Committee of a Madrasah cannot recruit any Teacher. Therefore, the recruitment of the petitioner by the Ad-hoc Managing Committee is contrary to the Rules and Regulation as well as the direction given by West Bengal Board of Madrasah Education.

In the premises set-forth above, the document filed by the petitioner showing recruitment process or attendance of the petitioner in the Madrasah, cannot be considered in view of the fact that there was no legality in the alleged recruitment of the petitioner. The A.D.I, Contai as well as D.I, Purba Medinipur also by filing a specific report stated that the Rules of Recruitment were not followed by the Madrasah since the Madrasah was not recognized on the date of alleged appointment.

In such circumstances, we have no hesitation to say that the petitioner, having no requisite qualification, was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and the petitioner did not work in the Madrasah as a legally recruited Teacher. The statement of the acting Teacher-in-charge of the Madrasah cannot be accepted for want of original Resolution Book and for the simple reason that the Ad-hoc Managing Committee was extended by the West Bengal Board of Madrasah Education vide Memo No. 774/1(2)/MC/19 dated 02.07.2019.


1. Justice Debi Prosad Dey
(Chairman) 04/08/2023


2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION


Mahammad Mehboob Hossain, Assistant Teacher, Geography (Pass) : The petitioner is claiming that he was appointed on 03.12.2019 as Assistant Teacher, Geography (pass) and he has been working since 16.12.2019. As per the letter of appointment, the appointment was given to the petitioner by Ad-hoc Managing Committee of the Madrasah vide Meeting No.01/19/SLP dated 30.11.2019.

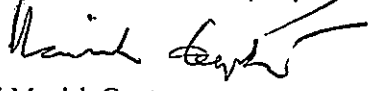
As per report submitted by Secretary, West Bengal Board of Madrasah Education, the Rambag Siddiqua Jr. High Madrasah, Purba Medinipur and it's Managing Committee were never sanctioned by the West Bengal Board of Madrasah Education and practically the Ad-hoc Managing Committee of such Madrasah was extended for the period from 18.05.2019 to 17.05.2020 vide Meeting No.774/1(2)/MC/19 dated 02.07.2019. There was no sanctioned vacancy of the post of Assistant Teacher, Geography (Pass) on 03.12.2019.

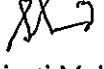
The statement of the Headmaster in respect of the Resolutions adopted by the Managing Committee cannot be accepted for non-production of the original Resolution Book of the Managing Committee. The A.D.I., Contai as well as the D.I. of Schools, Purba Medinipur by filing a specific report has categorically stated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the recruitment of the petitioner since the Madrasah and it's Managing Committee were not sanctioned by the West Bengal Board of Madrasah Education.

Ad-hoc Managing Committee of a Madrasah does not have the legal authority to recruit any Teaching/non-Teaching staff. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered for want of legality.

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he worked in the Madrasah as a legally recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 01/08/23

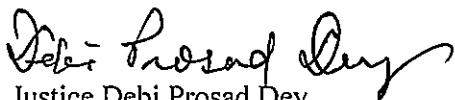

2. Shri Manish Gupta
(Member) 01/08/2023

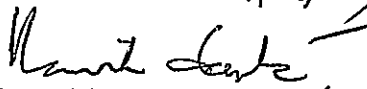

3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

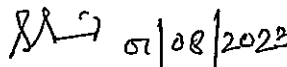
OBSERVATION

Subhasish Pulai , Assistant Teacher Work Education (Pass): The petitioner is claiming that he was appointed as Assistant Teacher Work Education (Pass) on 03.12.2019 and he has been working in the Madrasah on and from 16.12.2019. Admittedly, there was no sanction of the Madrasah and the Managing Committee by the West Bengal Board of Madrasah Education on the date of alleged appointment of the petitioner. There was no sanction post of Assistant Teacher Work Education (Pass) in the madrasah on the date of alleged appointment of the petitioner. The Ad-hoc Managing Committee of Madrasah do^a not have the legal authority to recruit any Teacher. It is apparent from the letter of appointment that the letter of appointment was issued by the Ad-hoc Managing Committee of the Madrasah. No Resolution of the Managing Committee has been placed before us to ascertain that Rules of Recruitment as per Govt. Notification being No. 486-MD/0/2M-11/2016 dated 03.03.2016 were complied with. The A.D.I, Contai cum D.I, Purba Medinipur has also stated by filing a report that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification being No. 486-MD/0/2M-11/2016 dated 03.03.2016. The Assistant Teacher-in-charge by filing necessary document has stated that there was no valid managing Committee but the Ad-hoc Managing Committee was extended by Memo No. 774/1(2)/MC/19 dated 02.07.2019. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered.

Under the circumstances as stated, we have no hesitation to us that the petitioner was never recruited as per Rules of Recruitment being Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah as legally recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Santu Mandal, Assistant Teacher, Bio Science (Pass) : The petitioner obtained 43.57% marks in aggregate in B.Sc. examination and thereby become ineligible to be appointed as Assistant Teacher, Bio-Science (Clerk).. Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher, Bio-Science and there was no sanctioned post of Assistant Teacher, Bio-Science (Pass) on the date of alleged recruitment of the petitioner.

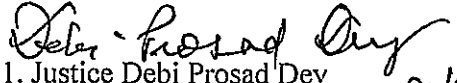
The petitioner is claiming that he was appointed on 03.12.2019 as Assistant Teacher, Bio-Science (Pass) and he has been working since 16.12.2019. The letter of appointment, was given to the petitioner by Ad-hoc Managing Committee of the Madrasah vide Meeting No.01/19/SLP dated 30.11.2019.

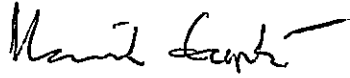
As per report submitted by Secretary, West Bengal Board of Madrasah Education, the Rambag Siddiqua Jr. High Madrasah, Purba Medinipur and it's Managing Committee were never sanctioned by the West Bengal Board of Madrasah Education and practically the Ad-hoc Managing Committee of such Madrasah was extended for the period from 18.05.2019 to 17.05.2020 vide Meeting No.774/1(2)/MC/19 dated 02.07.2019. There was no sanctioned vacancy of the post of Assistant Teacher, Bio-Science (Pass) on 03.12.2019.


The statement of the Headmaster in respect of the Resolutions adopted by the Managing Committee cannot be accepted for non-production of the original Resolution Book of the Managing Committee. The A.D.I. Contai as well as the D.I. of Schools, Purba Medinipur by filing a specific report has categorically stated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the recruitment of the petitioner since the Madrasah and it's Managing Committee were not sanctioned by the West Bengal Board of Madrasah Education.

Ad-hoc Managing Committee of a Madrasah does not have the legal authority to recruit any Teaching/non-Teaching staff. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered for want of legality.

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he worked in the Madrasah as a legally recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 08/08/2023


2. Shri Manish Gupta
(Member) 07/05/2022


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATIONS

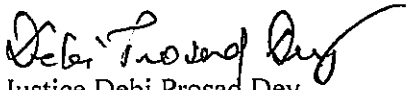
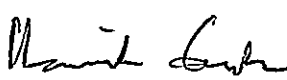
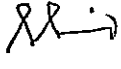
Md. Masud Laskar, Assistant Teacher, Arabic (Pass) : The petitioner is claiming that he was appointed on 03.12.2019 as Assistant Teacher, Arabic (Pass) and he has been working since 16.12.2019. As per the letter of appointment, the appointment was given to the petitioner by Ad-hoc Managing Committee of the Madrasah vide Meeting No.01/19/SLP dated 30.11.2019.

As per report submitted by Secretary, West Bengal Board of Madrasah Education, the Rambag Siddiqua Jr. High Madrasah, Purba Medinipur and it's Managing Committee were never sanctioned by the West Bengal Board of Madrasah Education and practically the Ad-hoc Managing Committee of such Madrasah was extended for the period from 18.05.2019 to 17.05.2020 vide Meeting No.774/1(2)/MC/19 dated 02.07.2019. There was no sanctioned vacancy of the post of Assistant Teacher, Arabic (Pass) on 03.12.2019.

The statement of the Headmaster in respect of the Resolutions adopted by the Managing Committee cannot be accepted for non-production of the original Resolution Book of the Managing Committee. The A.D.I., Contai as well as the D.I. of Schools, Purba Medinipur by filing a specific report has categorically stated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the recruitment of the petitioner since the Madrasah and it's Managing Committee were not sanctioned by the West Bengal Board of Madrasah Education.

Ad-hoc Managing Committee of a Madrasah does not have the legal authority to recruit any Teaching/non-Teaching staff. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered for want of legality.

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he worked in the Madrasah as a legally recruited Teacher.

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1. Justice Debi Prosad Dey
(Chairman) 08/08/2023
- 
2. Shri Manish Gupta 01/08/2023
(Member)
- 
3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATIONS

Najma Khatun, Assistant Teacher, Bengali (Pass) : The petitioner obtained 40.44% marks in aggregate in B.A. examination and she had no B.Ed. degree on the date of her alleged joining in the Madrasah. The petitioner had no D.L. Ed. degree also. That clearly goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, Bengali (Pass) and that there was no sanctioned post of Assistant Teacher, Bengali (Pass) on the date of her alleged appointment.

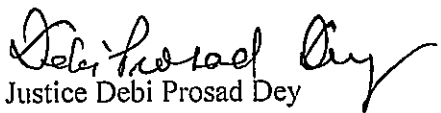
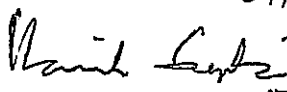
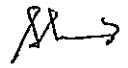
The petitioner is claiming that he was appointed on 03.12.2019 as Assistant Teacher, Bengali (Pass) and he has been working since 16.12.2019. As per the letter of appointment, the appointment was given to the petitioner by Ad-hoc Managing Committee of the Madrasah vide Meeting No. 01/19/SLP dated 30.11.2019.

As per report submitted by Secretary, West Bengal Board of Madrasah Education, the Rambag Siddiqua Jr. High Madrasah, Purba Medinipur and it's Managing Committee were never sanctioned by the West Bengal Board of Madrasah Education and practically the Ad-hoc Managing Committee of such Madrasah was extended for the period from 18.05.2019 to 17.05.2020 vide Meeting No.774/1(2)/MC/19 dated 02.07.2019. There was no sanctioned vacancy of the post of Assistant Teacher, Bengali (Pass) on 03.12.2019.

The statement of the Headmaster in respect of the Resolutions adopted by the Managing Committee cannot be accepted for non-production of the original Resolution Book of the Managing Committee. The A.D.I., Contai as well as the D.I. of Schools, Purba Medinipur by filing a specific report has categorically stated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the recruitment of the petitioner since the Madrasah and it's Managing Committee were not sanctioned by the West Bengal Board of Madrasah Education.

Ad-hoc Managing Committee of a Madrasah does not have the legal authority to recruit any Teaching/non-Teaching staff. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered for want of legality.

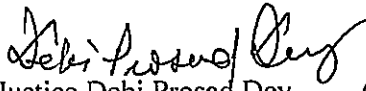
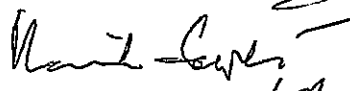
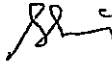
Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he worked in the Madrasah as a legally recruited Teacher.

- 
1. Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 
2. Shri Manish Gupta 07/05/2023
(Member)
- 
3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATIONS

Nur Mahammad Ali Sha, Group - D : The petitioner is claiming that he was appointed on 23.05.2018 and he has been working as Group-D employee since 01.06.2018. As per the petitioner, Sk. Lijamuddin, Secretary directly handed over the appointment letter to him and thereby he was recruited as Peon. Admittedly, on 23.05.2018, there was no sanction of the Madrasah by the West Bengal Board of Madrasah Education and there was Ad-hoc Managing Committee of the Madrasah. Ad-hoc Managing Committee of the Madrasah has had no legal authority to recruit any Teaching-non-Teaching staff. The Headmaster also produced necessary documents to show that the Ad-hoc Managing Committee was extended till the middle part of 2020. Non-production of the original Resolution Book also does not inspire the confidence of the Committee Constituted by the Hon'ble Supreme Court to hold that such Resolution was actually passed by validly constituted Managing Committee of such Madrasah. The A.D.I., Contai as well as D.I. of Schools, Purba Medinipur has stated by filing a written report that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with at the time of recruitment of the petitioner since the Madrasah and its Managing Committee were not recognized by the Board. In that view of this matter, the documents produced by the petitioner as well as Work Done Certificate ought to be ignored if not rejected under the premises set forth above.

We are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in that Madrasah as legally recruited Group-D employee.

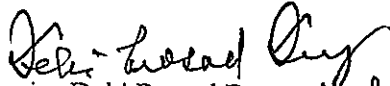
- 
1. Justice Debi Prosad Dey
(Chairman) 01/08/23
- 
2. Shri Manish Gupta
(Member) 01/08/2023
- 
3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023


OBSERVATION

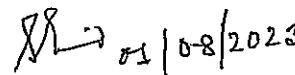
Mst. Sabrina Khatun, Gr. 'D':- The petitioner, Mst. Sabrina Khatun is claiming to have been appointed as Gr. 'D' employee in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on the strength of a Special Meeting No. 1 dated 25/02/2016 adopted by the Managing Committee of the Madrasah and since then, she has been working in the Madrasah.

On careful scrutiny of the original Resolution Book, we do not find any resolution no. 1 dated 25/02/2016. The Headmaster of the Mohishageria AMA High Madrasah has categorically stated that the petitioner Mst. Sabrina Khatun never worked as Gr. 'D' employee in the Madrasah and she was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. There is no signature of the petitioner, Mst. Sabrina Khatun in the official attendance register.

Considering the entire materials produced by the Headmaster, the District Inspector of School, Paschim Medinipur and the petitioner, we are of the considered opinion that the petitioner, Mst. Sabrina Khatun was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)



3) Shri Sripati Mukhopadhyay
(Member)

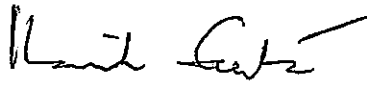
OBSERVATION

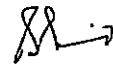
Rahaman Ali Shah:- The petitioner, Rahaman Ali Shah is claiming to have been appointed as Asstt. Teacher, Geography (H/PG) in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on 01/03/2016 in terms of the Resolution No. 1 dated 25/02/2016. The petitioner, Rahaman Ali Shah does not have requisite qualification for having regard as Asstt. Teacher, since he had no B.Ed. degree at the time of his alleged recruitment.

On careful scrutiny of the Resolution Book of the Managing Committee, we do not find any such Resolution being Special Meeting No. 1 dated 25/02/2016. There was no vacancy of such post on the date of alleged appointment of the petitioner. The Headmaster, Alip Kr. Ghosh, has categorically stated by producing the original Resolution Book and the official attendance register that the petitioner, Rahaman Ali Shah was never recruited following the Rules of Recruitment and he never worked in the Madrasah. The District Inspector of School, Paschim Medinipur, has also stated that no permission was taken or no intimation was given to the D.I. of School in the alleged recruitment of the petitioner.

Having regard to the documents produced by the petitioner, as well as by the Headmaster and the D.I. of School, we are of the considered opinion that the petitioner, Rahaman Ali Shah was never recruited following the Rules of recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.


1) Justice Debi Prosad Dey
(Chairman)


2) Shri Manish Gupta
(Member)

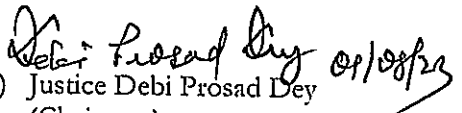

3) Shri Sripati Mukhopadhyay
(Member)

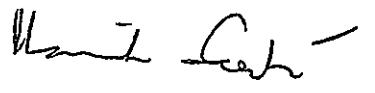
OBSERVATION

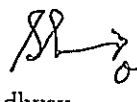
Souvik Som:- The petitioner, Souvik Som is claiming to have been appointed as Asstt. Teacher, Education (H/PG) in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on 01/03/2016 in terms of the Resolution No. 1 dated 25/02/2016. The petitioner, Souvik Som does not have requisite qualification for having regard as Asstt. Teacher, since he had no B.Ed. degree or no relevant subject of Education in the Syllabi of B.A. Examination at the time of his alleged recruitment.

On careful scrutiny of the Resolution Book of the Managing Committee, we do not find any such Resolution being Special Meeting No. 1 dated 25/02/2016. There was no vacancy of such post on the date of alleged appointment of the petitioner. The Headmaster, Alip Kr. Ghosh, has categorically stated by producing the original Resolution Book and the official attendance register that the petitioner, Souvik Som was never recruited following the Rules of Recruitment and he never worked in the Madrasah. The District Inspector of School, Paschim Medinipur, has also stated that no permission was taken or no intimation was given to the D.I. of School in the alleged recruitment of the petitioner.

Having regard to the documents produced by the petitioner, as well as by the Headmaster and the D.I. of School, we are of the considered opinion that the petitioner, Souvik Som was never recruited following the Rules of recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.


1) Justice Debi Prosad Dey
(Chairman)


2) Shri Manish Gupta
(Member)



3) Shri Sripati Mukhopadhyay
(Member)

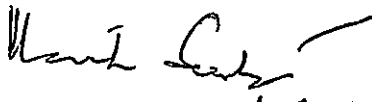
OBSERVATION

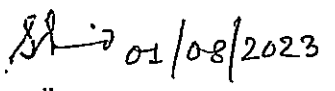
Mst. Sabana Parvin, Gr. 'D':- The petitioner, Mst. Sabrina Khatun is claiming to have been appointed as Gr. 'D' employee in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on the strength of a Special Meeting No. 1 dated 25/02/2016 adopted by the Managing Committee of the Madrasah and since then, she has been working in the Madrasah.

On careful scrutiny of the original Resolution Book, we do not find any resolution no. 1 dated 25/02/2016. The Headmaster of the Mohishageria AMA High Madrasah has categorically stated that the petitioner Mst. Sabrina Khatun never worked as Gr. 'D' employee in the Madrasah and she was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. There is no signature of the petitioner, Mst. Sabrina Khatun in the official attendance register.

Considering the entire materials produced by the Headmaster, the District Inspector of School, Paschim Medinipur and the petitioner, we are of the considered opinion that the petitioner, Mst. Sabrina Khatun was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah.


1) Justice Debi Prosad Dey 01/08/23
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

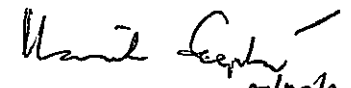
OBSERVATION


Nayan Mandal:- The petitioner, Nayan Mandal is claiming to have been appointed as Asstt. Teacher, Bengali (H/PG) in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on 01/03/2016 in terms of the Resolution No. 1 dated 25/02/2016. The petitioner, Nayan Mandal does not have requisite qualification for having regard as Asstt. Teacher, since he had no B.Ed. degree at the time of his alleged recruitment.

On careful scrutiny of the Resolution Book of the Managing Committee, we do not find any such Resolution being Special Meeting No. 1 dated 25/02/2016. There was no vacancy of such post on the date of alleged appointment of the petitioner. The Headmaster, Alip Kr. Ghosh, has categorically stated by producing the original Resolution Book and the official attendance register that the petitioner, Nayan Mandal was never recruited following the Rules of Recruitment and he never worked in the Madrasah. The District Inspector of School, Paschim Medinipur, has also stated that no permission was taken or no intimation was given to the D.I. of School in the alleged recruitment of the petitioner.

Having regard to the documents produced by the petitioner, as well as by the Headmaster and the D.I. of School, we are of the considered opinion that the petitioner, Nayan Mandal was never recruited following the Rules of recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.


1) Justice Debi Prosad Dey (Chairman) 01/08/2023


2) Shri Manish Gupta (Member) 01/08/2023


3) Shri Sripati Mukhopadhyay (Member) 01/08/2023


OBSERVATION

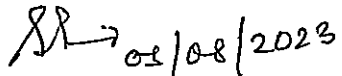
Sk. Imdadul Islam, Gr. 'D':- The petitioner, Sk. Imdadul Islam is claiming to have been appointed as Gr. 'D' employee in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on the strength of a Special Meeting No. 1 dated 25/02/2016 adopted by the Managing Committee of the Madrasah and since then, she has been working in the Madrasah.

On careful scrutiny of the original Resolution Book, we do not find any resolution no. 1 dated 25/02/2016. The Headmaster of the Mohishageria AMA High Madrasah, has categorically stated that the petitioner, Sk. Imdadul Islam never worked as Gr. 'D' employee in the Madrasah and she was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. There is no signature of the petitioner, Sk. Imdadul Islam Parvin in the official attendance register.

Considering the entire materials produced by the Headmaster, the District Inspector of School, Paschim Medinipur and the petitioner, we are of the considered opinion that the petitioner, Sk. Imdadul Islam was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah.


1) Justice Debi Prosad Dey 01/08/23
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)

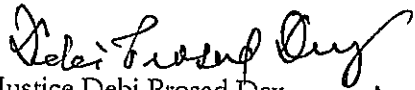

3) Shri Sripati Mukhopadhyay 02/08/2023
(Member)

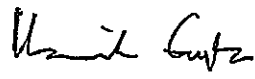
OBSERVATION


Mohd. Muktar Alam:- The petitioner, Mohd. Muktar Alam is claiming to have been appointed as Asstt. Teacher of Arabic (Pass) in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on 01/03/2016 in terms of the Resolution No. 1 dated 25/02/2016. The petitioner, Mohd. Muktar Alam does not have requisite qualification for having regard as Asstt. Teacher, since he had no B.Ed. degree at the time of his alleged recruitment.

On careful scrutiny of the Resolution Book of the Managing Committee, we do not find any such Resolution being Special Meeting No. 1 dated 25/02/2016. There was no vacancy of such post on the date of alleged appointment of the petitioner. The Headmaster, Alip Kr. Ghosh, has categorically stated by producing the original Resolution Book and the official attendance register that the petitioner, Mohd. Muktar Alam was never recruited following the Rules of Recruitment and he never worked in the Madrasah. The District Inspector of School, Paschim Medinipur, has also stated that no permission was taken or no intimation was given to the D.I. of School in the alleged recruitment of the petitioner.

Having regard to the documents produced by the petitioner, as well as by the Headmaster and the D.I. of School, we are of the considered opinion that the petitioner, Mohd. Muktar Alam was never recruited following the Rules of recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 01/08/23


2) Shri Manish Gupta 01/08/2023
(Member)

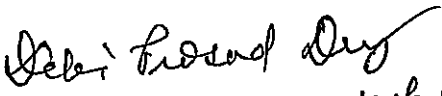

3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)


OBSERVATION

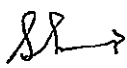
Sk. Indaul Rahman:- The petitioner, Sk. Indaul Rahman is claiming to have been appointed as Asstt. Teacher of Physical Education (Pass) in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on 01/03/2016 in terms of the Resolution No. 1 dated 25/02/2016.

On careful scrutiny of the Resolution Book of the Managing Committee, we do not find any such Resolution being Special Meeting No. 1 dated 25/02/2016. There was no vacancy of such post on the date of alleged appointment of the petitioner. The Headmaster, Alip Kr. Ghosh, has categorically stated by producing the original Resolution Book and the official attendance register that the petitioner, Sk. Indaul Rahman was never recruited following the Rules of Recruitment and he never worked in the Madrasah. The District Inspector of School, Paschim Medinipur, has also stated that no permission was taken or no intimation was taken from the D.I. of School in the alleged recruitment of the petitioner.

Having regard to the documents produced by the petitioner, as well as by the Headmaster and the D.I. of School, we are of the considered opinion that the petitioner, Sk. Indaul Rahman was never recruited following the Rules of recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.


1) Justice Debi Prosad Dey 01/08/23
(Chairman)


2) Shri Manish Gupta 07/08/23
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Mirza Saddum Hossen:- The petitioner, Mirza Saddum Hossen is claiming to have been appointed as Asstt. Teacher of History (Pass) in Mohishageria A.M.A. High Madrasah, Paschim Medinipur on 01/03/2016 in terms of the Resolution No. 1 dated 25/02/2016. The petitioner, Mirza Saddum Hossen does not have requisite qualification for having regard as Asstt. Teacher, since he had no B.Ed. degree at the time of his alleged recruitment.

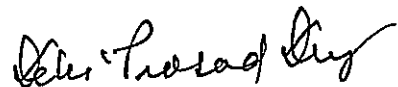
On careful scrutiny of the Resolution Book of the Managing Committee, we do not find any such Resolution being Special Meeting No. 1 dated 25/02/2016. There was no vacancy of such post on the date of alleged appointment of the petitioner. The Headmaster, Alip Kr. Ghosh, has categorically stated by producing the original Resolution Book and the official attendance register that the petitioner, Mirza Saddum Hossen was never recruited following the Rules of Recruitment and he never worked in the Madrasah. The District Inspector of School, Paschim Medinipur, has also stated that no permission was taken or no intimation was given to the D.I. of School in the alleged recruitment of the petitioner.

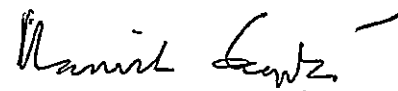
Having regard to the documents produced by the petitioner, as well as by the Headmaster and the D.I. of School, we are of the considered opinion that the petitioner, Mirza Saddum H was never recruited following the Rules of recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah.

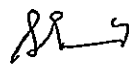
- 1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 2) Shri Manish Gupta
(Member) 01/08/2023
- 3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Sk. Umar Faruque, Asstt. Teacher Arabic (H/PG) : The Petitioner did not turn up despite service of notices atleast on 3 occasions. No original document has been produced to verify the educational qualification or any of the documents filed by the petitioner along with the representation. Record reveals that Sk. Umar Faruque had had no requisite qualification to be appointed as Assistant Teacher. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and the District Inspector of Schools, Purba Medinipur have unequivocally stated that the alleged appointment of said Sk. Umar Faruque should be treated as fake and illegal because there is no documentary evidence to establish that he was recruited following Rules of Recruitment. No document is found about his working in the said Madrasah. He was never recruited following Rules of Recruitment and never worked in the Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah

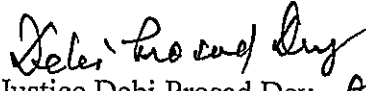

1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

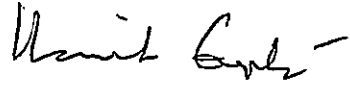

2. Shri Manish Gupta 01/8/2023
(Member)



3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Marufa Khatun, Asstt. Teacher Geography (Pass) : The petitioner had no requisite qualification to be appointed as Assistant Teacher, Geography (Pass). The petitioner did not appear despite service of successive notices upon her. In absence of the original documents, the Photostat document filed by Marufa Khatun cannot be verified. The D.I. of Schools (by filing a report) and the Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah have categorically stated that she was never recruited following recruitment rules and she never worked in the Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

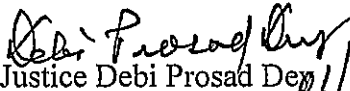

1. Justice Debi Prosad Dey 01/08/2022
(Chairman)

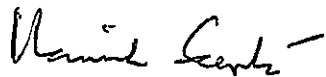

2. Shri Manish Gupta 01/08/2022
(Member)

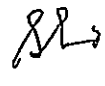

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Md. Ajmal Khan, Asst. Teacher Arabic (Pass) : The petitioner did not appear despite receipt of notices atleast on 3 occasions. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Photostat copy submitted by him could not be verified for want of original. The D.I of Schools (by filing a report) and the Teacher-in-Charge have unequivocally stated that Md. Ajmal Khan was never recruited following Recruitment Rules and he never worked as Assistant Teacher of Mohammadpur Darul Ulum Sr. Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.


1. Justice Debi Prosad Deb 11/08/2023
(Chairman)


2. Shri Manish Gupta 01/8/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Sk. Abdul Salam, Asstt. Teacher, Work Education (Pass) : The petitioner did not appear despite receipt of notices on successive occasions. The Photostat copies of document filed by Sk. Abdul Salam could not be verified for want of original documents. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Sk. Abdul Salam was never appointed following recruitment rules and he never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

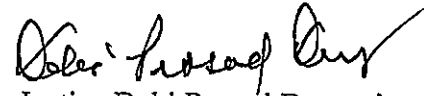
Debi Prosad Dey
1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

Manish Gupta
2. Shri Manish Gupta 01/8/2023
(Member)

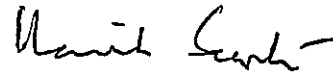
Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

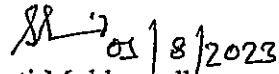
Pulak Bhanja, Asstt. Teacher Pure Science (Pass) : The petitioner did not appear despite receipt of notices on successive occasions. The Petitioner had no requisite qualification for not having B.Ed degree to be appointed as Assistant Teacher. The Photostat copy submitted by him could not be verified for want of original. The D.I of Schools (by filing a report) and the Teacher-in-Charge have unequivocally stated that Pulak Bhanja was never recruited following recruitment rules and he never worked as Asstt. Teacher of Mohammadpur Darul Ulum Sr. Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah



1. Justice Debi Prosad Dey 01/08/2023
(Chairman)



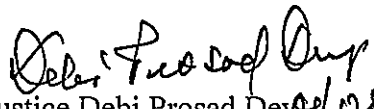
2. Shri Manish Gupta 01/08/2023
(Member)

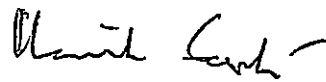


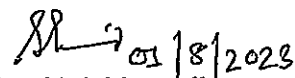
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Motahar, Asst. Teacher Under Graduate : The petitioner did not appear despite receipt of notices on various occasions. He had no requisite qualification to be appointed as Assistant Teacher. The Photostat copy submitted by him could not be verified for want of original. The D.I of Schools (by filing a report) and the Teacher-in-Charge have unequivocally stated that Sk. Motahar was never recruited following Recruitment Rules and he never worked as Assistant Teacher of Mohammadpur Darul Ulum Sr. Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

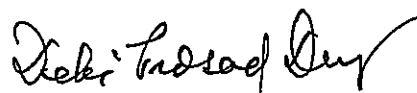

1. Justice Debi Prosad Dey 01/02/2023
(Chairman)


2. Shri Manish Gupta 01/02/2023
(Member)

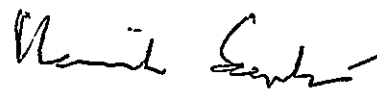

3. Shri Sripati Mukhopadhyay 01/02/2023
(Member)

OBSERVATION

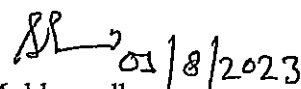
Bidesh Khatua, Asstt. Teacher History (Pass) : The petitioner did not appear despite receipt of notices on successive occasions. The Photostat copies of document filed by Bidesh Khatua could not be verified for want of original document. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated Bidesh Khatua was never appointed following recruitment rules and he never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.



1. Justice Debi Prosad Dey ^{30/08/2023}
(Chairman)



2. Shri Manish Gupta ^{01/8/2023}
(Member)



3. Shri Sripati Mukhopadhyay ^{01/8/2023}
(Member)

OBSERVATION

Md. Sahabuddin Khan, Asstt. Teacher Arabic (Pass) : The petitioner did not appear despite receipt of notices on successive occasions. The Photostat copies of document filed by Md. Sahabuddin Khan could not be verified for want of original documents. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Md. Sahabuddin Khan was never appointed following recruitment rules and he never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

Debi Prosad Dey

1. Justice Debi Prosad Dey *01/08/2023*
(Chairman)

Manish Gupta

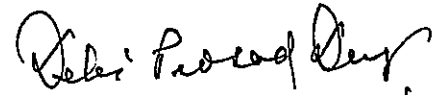
2. Shri Manish Gupta *01/8/2023*
(Member)

Sripati Mukhopadhyay *01/8/2023*

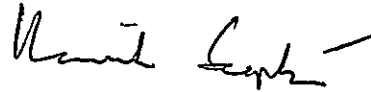
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

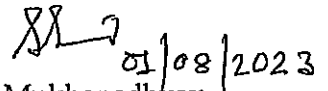
Sk. Monjurul Hossain, Group-C : The petitioner did not appear despite receipt of notices on successive occasions. He was having requisite qualification. The Photostat copies of document filed by Sk. Monjurul Hossain could not be verified for want of original documents. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Sk. Monjurul Hossain was never appointed following recruitment rules and he never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.



1. Justice Debi Prosad Dey 01/08/2023
(Chairman)



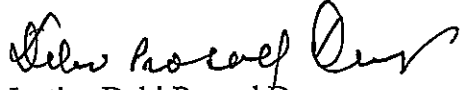
2. Shri Manish Gupta 01/08/2023
(Member)




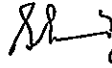
3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Firoja Khatun, Group-D : The petitioner did not appear despite receipt of notices on successive occasions. She was having requisite qualification. The Photostat copies of document filed by Firoja Khatun could not be verified for want of original documents. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Firoja Khatun was never appointed following recruitment rules and she never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

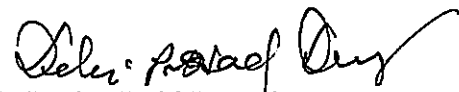

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

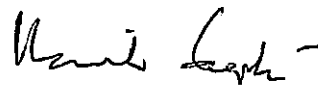
OBSERVATION

Hasina Khatun, Group-D : The petitioner did not appear despite receipt of notices on successive occasions. She was having requisite qualification. The Photostat copies of document filed by Hasina Khatun could not be verified for want of original document. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Hasina Khatun was never appointed following recruitment rules and she never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.



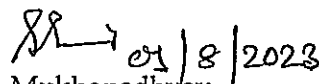
1. Justice Debi Prosad Dey
(Chairman)

01/08/23



2. Shri Manish Gupta
(Member)

01/08/2023

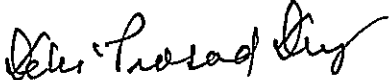


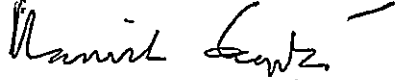
3. Shri Sripati Mukhopadhyay
(Member)

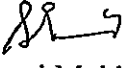
01/08/2023

OBSERVATION

Sk. Umar Faruque, Asstt. Teacher Arabic (H/PG) : The Petitioner did not turn up despite service of notices atleast on 3 occasions. No original document has been produced to verify the educational qualification or any of the documents filed by the petitioner along with the representation. Record reveals that Sk. Umar Faruque had had no requisite qualification to be appointed as Assistant Teacher. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and the District Inspector of Schools, Purba Medinipur have unequivocally stated that the alleged appointment of said Sk. Umar Faruque should be treated as fake and illegal because there is no documentary evidence to establish that he was recruited following Rules of Recruitment. No document is found about his working in the said Madrasah. He was never recruited following Rules of Recruitment and never worked in the Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah

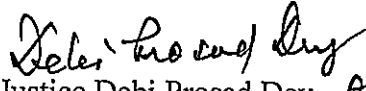

1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

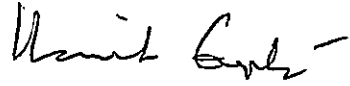

2. Shri Manish Gupta 01/8/2023
(Member)



3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Marufa Khatun, Asstt. Teacher Geography (Pass) : The petitioner had no requisite qualification to be appointed as Assistant Teacher, Geography (Pass). The petitioner did not appear despite service of successive notices upon her. In absence of the original documents, the Photostat document filed by Marufa Khatun cannot be verified. The D.I. of Schools (by filing a report) and the Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah have categorically stated that she was never recruited following recruitment rules and she never worked in the Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

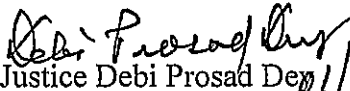

1. Justice Debi Prosad Dey 01/08/2022
(Chairman)

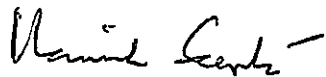

2. Shri Manish Gupta 01/08/2022
(Member)

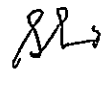

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Md. Ajmal Khan, Asst. Teacher Arabic (Pass) : The petitioner did not appear despite receipt of notices atleast on 3 occasions. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Photostat copy submitted by him could not be verified for want of original. The D.I of Schools (by filing a report) and the Teacher-in-Charge have unequivocally stated that Md. Ajmal Khan was never recruited following Recruitment Rules and he never worked as Assistant Teacher of Mohammadpur Darul Ulum Sr. Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.


1. Justice Debi Prosad Deb 11/08/2023
(Chairman)


2. Shri Manish Gupta 01/8/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Sk. Abdul Salam, Asstt. Teacher, Work Education (Pass) : The petitioner did not appear despite receipt of notices on successive occasions. The Photostat copies of document filed by Sk. Abdul Salam could not be verified for want of original documents. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Sk. Abdul Salam was never appointed following recruitment rules and he never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

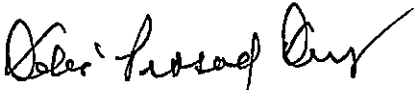
Debi Prosad Dey
1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

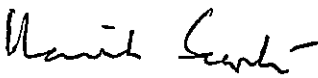
Manish Gupta
2. Shri Manish Gupta 01/8/2023
(Member)

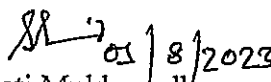
Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Pulak Bhanja, Asstt. Teacher Pure Science (Pass) : The petitioner did not appear despite receipt of notices on successive occasions. The Petitioner had no requisite qualification for not having B.Ed degree to be appointed as Assistant Teacher. The Photostat copy submitted by him could not be verified for want of original. The D.I of Schools (by filing a report) and the Teacher-in-Charge have unequivocally stated that Pulak Bhanja was never recruited following recruitment rules and he never worked as Asstt. Teacher of Mohammadpur Darul Ulum Sr. Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah

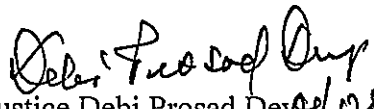

1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

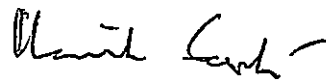

2. Shri Manish Gupta 01/08/2023
(Member)

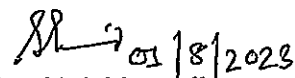

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Motahar, Asst. Teacher Under Graduate : The petitioner did not appear despite receipt of notices on various occasions. He had no requisite qualification to be appointed as Assistant Teacher. The Photostat copy submitted by him could not be verified for want of original. The D.I of Schools (by filing a report) and the Teacher-in-Charge have unequivocally stated that Sk. Motahar was never recruited following Recruitment Rules and he never worked as Assistant Teacher of Mohammadpur Darul Ulum Sr. Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

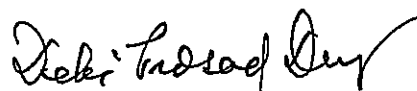

1. Justice Debi Prosad Dey 01/02/2023
(Chairman)


2. Shri Manish Gupta 01/02/2023
(Member)

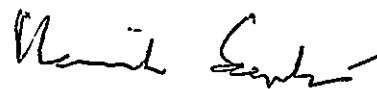

3. Shri Sripati Mukhopadhyay 01/02/2023
(Member)

OBSERVATION

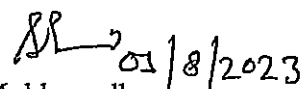
Bidesh Khatua, Asstt. Teacher History (Pass) : The petitioner did not appear despite receipt of notices on successive occasions. The Photostat copies of document filed by Bidesh Khatua could not be verified for want of original document. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated Bidesh Khatua was never appointed following recruitment rules and he never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.



1. Justice Debi Prosad Dey ^{30/08/2023}
(Chairman)



2. Shri Manish Gupta ^{01/8/2023}
(Member)



3. Shri Sripati Mukhopadhyay ^{01/8/2023}
(Member)

OBSERVATION

Md. Sahabuddin Khan, Asstt. Teacher Arabic (Pass) : The petitioner did not appear despite receipt of notices on successive occasions. The Photostat copies of document filed by Md. Sahabuddin Khan could not be verified for want of original documents. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Md. Sahabuddin Khan was never appointed following recruitment rules and he never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

Debi Prosad Dey

1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

Manish Gupta

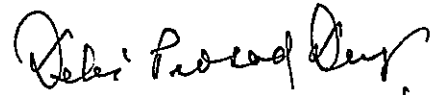
2. Shri Manish Gupta 01/8/2023
(Member)

Sripati Mukhopadhyay 01/8/2023

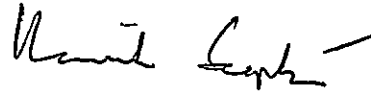
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

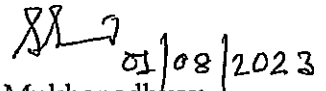
Sk. Monjurul Hossain, Group-C : The petitioner did not appear despite receipt of notices on successive occasions. He was having requisite qualification. The Photostat copies of document filed by Sk. Monjurul Hossain could not be verified for want of original documents. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Sk. Monjurul Hossain was never appointed following recruitment rules and he never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.



1. Justice Debi Prosad Dey 01/08/2023
(Chairman)



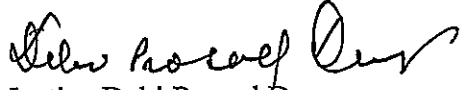
2. Shri Manish Gupta 01/08/2023
(Member)




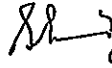
3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Firoja Khatun, Group-D : The petitioner did not appear despite receipt of notices on successive occasions. She was having requisite qualification. The Photostat copies of document filed by Firoja Khatun could not be verified for want of original documents. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Firoja Khatun was never appointed following recruitment rules and she never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

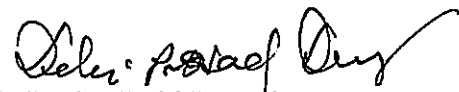

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

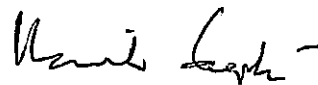
OBSERVATION

Hasina Khatun, Group-D : The petitioner did not appear despite receipt of notices on successive occasions. She was having requisite qualification. The Photostat copies of document filed by Hasina Khatun could not be verified for want of original document. The Teacher-in-Charge of Mohammadpur Darul Ulum Sr. Madrasah and D.I. of Schools (by filing a report) have unequivocally stated that Hasina Khatun was never appointed following recruitment rules and she never worked in the concerned Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.



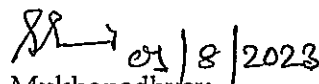
1. Justice Debi Prosad Dey
(Chairman)

01/08/23



2. Shri Manish Gupta
(Member)

01/08/2023



3. Shri Sripati Mukhopadhyay
(Member)

01/08/2023

OBSERVATION


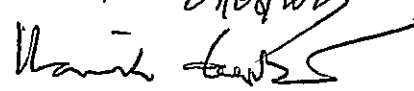
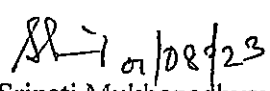
Sk. Mugle Azam:- Sk. Mugle Azam is one the petitioners in Contempt Petition No. 595/2023. According to notice served upon the petitioner, directing him to appear in person for verification of his documents, Sk. Mugle Azam appeared in person and submitted that the Teacher-in-charge of Garh Chakraberia HP Jr. High Madrasah, Purba Medinipur, obtained his signature in some papers for filing the same before the Hon'ble Supreme Court. Sk. Mugle Azam candidly stated that he did not file any case before the Hon'ble Supreme Court and he was not connected with any matter in respect of Contempt Petition No. 595/2023. Sk. Mugle Azam further stated that Mojibur Rahman, the Teacher-in-charge of the Madrasah, assured him that if he submitted such paper before the Hon'ble Supreme Court, he would be provided with a Government job of Group 'C' at Padumpur Saifuddin High Madrasah, Purba Medinipur on payment of rupees two lakh. Sk. Mugle Azam, however, did not file any written representation for verification of his paper.

It is crystal clear from such statement of Sk. Mugle Azam, that Mojibur Rahman, the Teacher-in-charge, being king pin of a racket towards alleged appointments even manipulated the procedure before the judicial forum on the basis of fake and forged documents against monetary consideration from the candidate and thereby creating job against payment of money from the undeserving candidate.

Subhasis Mitra, the A.D.I., Contai, also did not find any paper in his office about appointment of Sk. Mugle Azam following the Rules of Recruitment.

Kalyan Chowdhury, the Headmaster of the said Madrasah, specifically stated that the petitioner never worked in the Madrasah and he did not find any official record for recruitment of the petitioner following the Rules of Recruitment. The Headmaster further stated that the signature of the Teacher-in-charge on the Work Done Certificate is fake and forged.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification and he never attended the Madrasah in any capacity.

- 
1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 
2) Shri Manish Gupta
(Member) 01/08/2023
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3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

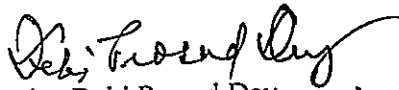
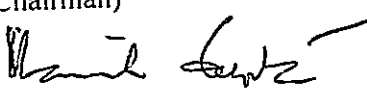
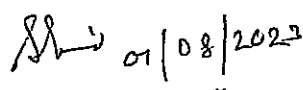
Sharmadeb Jana, Assistant Teacher, Work Education (Pass) :- As per Resolution No. SPL/03/2018 dated 14/11/2018, the petitioner, Sharmadeb Jana is claiming that he was appointed on 14/11/2018 as Assistant Teacher, Work Education and he has been working since 22/11/2018 in the Padumpur Saifuddin High Madrasah, Purba Medinipur. In support of his contention, the petitioner has filed photo copy of the appointment letter, joining letter and the Work Done Certificate issued by the Teacher-in-charge.

On scrutiny of the Resolution Book, we do not find any Resolution as mentioned in the appointment letter and in the original Resolution Book. We also do not find the signature of the petitioner in the official Attendance Register.

The Headmaster, Kalyan Chowdhury, by producing a number of documents, has stated that the petitioner was never recruited as Assistant Teacher, following the Rules of Recruitment, since he had no requisite qualification to be appointed as Assistant Teacher. The Headmaster further stated that the Work Done Certificate, under the signature of the previous Teacher-in-charge, Abdul Kadir, is a forged document, since the Teacher-in-charge did not sign on the Work Done Certificate.

Subhasis Mitra, the A.D.I., Contai, has corroborated by filing a report that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as Assistant Teacher.

- 
1) Justice Debi Prosad Dey 11/08/2023
(Chairman)
- 
2) Shri Manish Gupta 01/08/2023
(Member)
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3) Shri Sripati Mukhopadhyay
(Member)

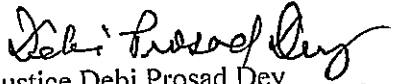
OBSERVATION


Sourav Das, Group-C (Librarian):- As per the petitioner, Sourav Das, on the strength of Special Meeting No. SPL/01/2015 dated 15/12/2015, ^{the petitioner} ~~the petitioner~~ was appointed as Librarian of Padumpur Saifuddin High Madrasah, Purba Medinipur in terms of the order dated 25/08/2015 passed by the Hon'ble Division Bench of Calcutta High Court in AST No. 192/2014 along with AST No. 140/2014 with MAT No. 473/2014.

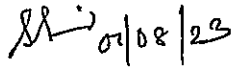
The Headmaster, Kalyan Chowdhury as well as the DI of School, Purba Medinipur, categorically stated that the petitioner was never recruited following the Rules of Recruitment. The Work Done Certificate produced by the petitioner, is a forged document and the same has not been signed by the Teacher-in-charge, Sk. Abdul Kadir.

We do not find any Resolution being Resolution no. SPL/01/2015 dated 15/12/2015 whereby the petitioner was appointed. There is nothing on record to hold that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. There is no signature of the petitioner in the Attendance Register to show that the petitioner has been attending the Madrasah as a legally recruited teacher. The Headmaster has also produced necessary paper to show that the petitioner was never recruited as Librarian of the Madrasah.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification and he never worked in the Madrasah as Librarian.


1) Justice Debi Prosad Dey
(Chairman) 01/08/23


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Jafar Ali, Group-D:- The petitioner, Sk. Jafar Ali is claiming himself to be appointed as Group-D employee of Padampur Saifuddin High Madrasah, Purba Medinipur, on the basis of the Resolution being no. SPL/01/2015 dated 15/12/2015. Admittedly, the petitioner did not appear in any written examination or any Interview Board.


On scrutiny of the original Resolution Book, we do not find any such Resolution as has been mentioned in the alleged appointment letter of the petitioner. There is no Resolution in the Resolution Book that the petitioner was recruited following the Rules of Recruitment. There is no signature of the petitioner in the Attendance Register.

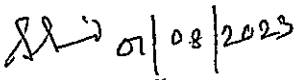
The Headmaster, by filing a number of documents, has emphatically stated that the petitioner never worked or never recruited following the Rules of Recruitment a Group-D. The signature of the Teacher-in-charge on the Work Done Certificate, produced by the petitioner, is fake.

Subhasis Mitra, the A.D.I., Contai, has corroborated by filing a report that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as Group-D employee.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

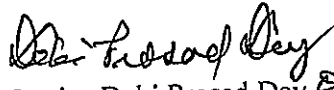
OBSERVATION

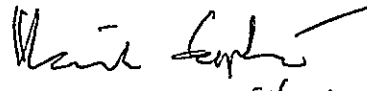
Mahbuba Khatun, Assistant Teacher, History (Pass):- The petitioner, Mahbuba Khatun, obtained 38.53% in her B.A. examination and she had no B.Ed. degree on the date of her joining in the Padumpur Saifuddin High Madrasah, Purba Medinipur. That goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher. The Resolution mentioned in the alleged appointment letter, does not find place in the original Resolution Book of the Managing Committee. There is no signature of the petitioner in the Attendance Register.


The Headmaster of the Madrasah, specifically stated that the petitioner never worked in the Madrasah or never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

The A.D.I., Contai, has also corroborated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)

 01/08/2023
3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Nilufar Tabassum:- The Petitioner, Nilufar Tabassum is claiming herself as Asstt. Teacher, Pure Science (Pass) of Sagar Moniruddin High Madrasah, South 24 Parganas and said to have been recruited following the meeting no. UM-SPL/01/2015 dated 16/12/2015 of the Managing Committee of the Madrasah.

Admittedly, the petitioner, Nilufar Tabassum had no requisite qualification to be appointed as an Asstt. Teacher of the concerned Madrasah. The resolution reveals that as per the order of the Hon'ble High Court, Nilufar Tabassum was recruited by the Managing Committee of the Madrasah. No such order of the Hon'ble High Court was placed before us to justify such recruitment of Nilufar Tabassum. The original Resolution Books have been suppressed by the Headmaster of the Madrasah, Sk. Muklesur Rahman and he did not produce the original Resolution Book, despite repeated notices issued by this Committee. The Resolution Book produced by the Headmaster, contains only two resolutions of 2015 and 2019 only. It is, therefore, apparent that such Resolution Book has been manufactured to justify the recruitment of the petitioner and other incumbents of this proceeding.

The Headmaster, however, has stated that Nilufar Tabassum was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The D.I. of School, South 24 Parganas, has corroborated the said fact. A separate Attendance Register has been produced showing the attendance of the petitioner and others. The official Attendance Registers maintained by the Madrasah containing the signature of the approved teachers and non-teaching staff of the Madrasah, have been produced in order to show that the petitioner was properly recruited following the Rules of Recruitment and having requisite qualification. The necessary important papers namely, the Resolution Book of the Managing Committee, the official Attendance Register of the Madrasah, the report of the D.I. of School, South 24 Parganas, are urgently required, instead of that one manufactured copy of the Resolution Book, Attendance Register of the petitioner, have been produced by the Headmaster of the Madrasah along with the Work Done Certificate issued by the Secretary of Sagar Moniruddin High Madrasah.

The Headmaster refused to produce the original Resolution Book and the official Attendance Register of the Madrasah in order to suppress the actual state of affairs, despite issuance of successive notices by this Committee and thereby, he did not co-operate with the Committee, constituted by the Hon'ble Supreme Court for the purpose of verification. We request the concerned Government Authority to take appropriate action against the Headmaster of the Madrasah for non-co-operation with the Committee and defiance of the order of the Committee.

We are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015, having no requisite qualification and in absence of the material documents mentioned herein above,

- 1) Justice Debi Prosad Dey
(Chairman) 31/07/2023
- 2) Shri Manish Gupta
(Member) 31/07/2023
- 3) Shri Sripati Mukhopadhyay
(Member) 31/07/2023

OBSERVATION

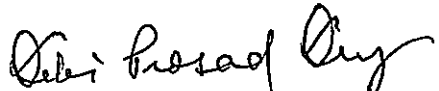
Gopal Chandra Sahoo:- The Petitioner, Gopal Chandra Sahoo is claiming himself as Asstt. Teacher, Geography (Pass) of Sagar Moniruddin High Madrasah, South 24 Parganas and said to have been recruited following the meeting no. UM-SPL/01/2015 dated 16/12/2015 of the Managing Committee of the Madrasah.

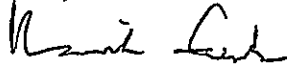
Admittedly, the petitioner, Gopal Chandra Sahoo had no requisite qualification to be appointed as an Asstt. Teacher of the concerned Madrasah. The resolution reveals that as per the order of the Hon'ble High Court, Gopal Chandra Sahoo was recruited by the Managing Committee of the Madrasah. No such order of the Hon'ble High Court was placed before us to justify such recruitment of Gopal Chandra Sahoo. The original Resolution Books have been suppressed by the Headmaster of the Madrasah, Sk. Muklesur Rahman and he did not produce the original Resolution Book, despite repeated notices issued by this Committee. The Resolution Book produced by the Headmaster, contains only two resolutions of 2015 and 2019 only. It is, therefore, apparent that such Resolution Book has been manufactured to justify the recruitment of the petitioner and other incumbents of this proceeding.

The Headmaster, however, has stated that Gopal Chandra Sahoo was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The D.I. of School, South 24 Parganas, has corroborated the said fact. A separate Attendance Register has been produced showing the attendance of the petitioner and others. The official Attendance Registers maintained by the Madrasah containing the signature of the approved teachers and non-teaching staff of the Madrasah, have been produced in order to show that the petitioner was properly recruited following the Rules of Recruitment and having requisite qualification. The necessary important papers namely, the Resolution Book of the Managing Committee, the official Attendance Register of the Madrasah, the report of the D.I. of School, South 24 Parganas, are urgently required, instead of that one manufactured copy of the Resolution Book, Attendance Register of the petitioner, have been produced by the Headmaster of the Madrasah along with the Work Done Certificate issued by the Secretary of Sagar Moniruddin High Madrasah.

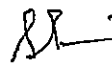
The Headmaster refused to produce the original Resolution Book and the official Attendance Register of the Madrasah in order to suppress the actual state of affairs, despite issuance of successive notices by this Committee and thereby, he did not co-operate with the Committee, constituted by the Hon'ble Supreme Court for the purpose of verification. We request the concerned Government Authority to take appropriate action against the Headmaster of the Madrasah for non-co-operation with the Committee and defiance of the order of the Committee.

We are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015, having no requisite qualification and in absence of the material documents mentioned herein above,

- 
- 1) Justice Debi Prosad Dey 31/07/2023
(Chairman)



 - 2) Shri Manish Gupta 31/07/2023
(Member)



 - 3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Sabina Yesmin:- The Petitioner, Sabina Yesmin is claiming herself as Group 'C' (Clerk) of Sagar Moniruddin High Madrasah, South 24 Parganas and said to have been recruited following the meeting no. UM-SPL/01/2015 dated 16/12/2015 of the Managing Committee of the Madrasah.

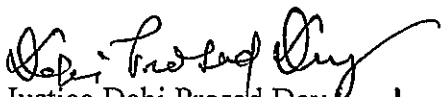
Admittedly, the petitioner, Sabina Yesmin never appeared in any written examination for being recruited as clerk of Sagar Moniruddin High Madrasah, South 24 Parganas. The original Resolution Book and the original Attendance Register of the Madrasah have been produced by the Headmaster of the Madrasah, Muklesur Rahman.

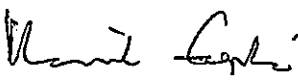
The Headmaster, despite successive notices issued by this Committee, however, admitted that the petitioner was never appointed following the Rules of Recruitment as contains in 93-SE/S/10R-14/2013 dated 09/02/2015. One resolution, containing only two resolutions dated 16/12/2015 and 05/05/2019, have been produced suppressing the original Resolution Book of the Managing Committee. Palpably, it transpires that the Resolution Book of the Managing Committee which would contain only two resolutions of 2015 and 2019 keeping the remaining pages of the register blank. The Headmaster has also referred to produce the original Resolution Book and the original Attendance Register, despite issuance of successive notices by this Committee.

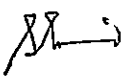
We, therefore, request the Government to take appropriate action against the Headmaster of the Madrasah for non-co-operation with the Committee, constituted by the Hon'ble Supreme Court.

The D.I. of School, South 24 Parganas, by submitting a report has also stated that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015.

Under such circumstances, we are of the considered view that the petitioner, Sabina Yesmin was never recruited following the Rules of recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah.


1) Justice Debi Prosad Dey 21/07/2023
(Chairman)


2) Shri Manish Gupta 21/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 21/07/2023
(Member)

OBSERVATION

Rajlaxmi Das:- The Petitioner, Rajlaxmi Das is claiming herself as Group 'D' employee of Sagar Moniruddin High Madrasah, South 24 Parganas and said to have been recruited following the meeting no. UM-SPL/04/2019 dated 02/05/2019 of the Managing Committee of the Madrasah.

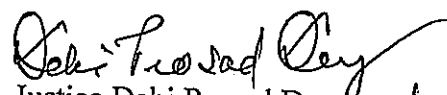
Admittedly, the petitioner, Rajlaxmi Das never appeared in any written examination for being recruited as a member of staff of Sagar Moniruddin High Madrasah, South 24 Parganas. The original Resolution Book and the original Attendance Register of the Madrasah have been produced by the Headmaster of the Madrasah, Muklesur Rahman.


The Headmaster, despite successive notices issued by this Committee, however, admitted that the petitioner was never appointed following the Rules of Recruitment as contains in 486-MD/O/2M-11/2016 dated 03/03/2016. One Resolution Book, containing only two resolutions dated 16/12/2015 and 05/05/2019, have been produced suppressing the original Resolution Book of the Managing Committee. Palpably, it transpires that the Resolution Book of the Managing Committee which would contain only two resolutions of 2015 and 2019 keeping the remaining pages of the register blank. The Headmaster has also suppressed the original Resolution Book and the original Attendance Register, despite issuance of successive notices by this Committee.

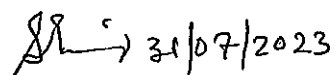
We, therefore, request the Government to take appropriate action against the Headmaster of the Madrasah for non-co-operation with the Committee, constituted by the Hon'ble Supreme Court.

The D.I. of School, South 24 Parganas, by submitting a report has also stated that the petitioner was never recruited following the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under such circumstances, we are of the considered view that the petitioner, Rajlaxmi Das was never recruited following the Rules of recruitment being No. 486-MD/O/2M-11/2016 dated 03/03/2016 and she never worked in the Madrasah.


1) Justice Debi Prosad Dey 30/07/2023
(Chairman)


2) Shri Manish Gupta 31/07/2023
(Member)


3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

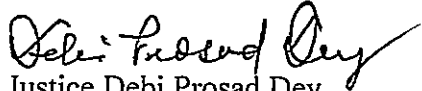
OBSERVATION

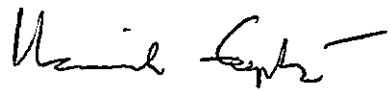
Arjina Khatun, Assistant Teacher, Bio Science (Pass): Photo copy of letter of appointment reveals that the petitioner was appointed in terms of the Special Meeting No. SPL-01A/PGHPJHM/2016 dated 28.02.2016 of the Managing Committee and she duly joined the Madrasah on 02.03.2016. However, she could not file any copy of Resolution or Attendance Register to justify that such Resolution was actually adopted by the Madrasah and that she has been working since 02.03.2016. Admittedly, the petitioner had no B.Ed. degree at the time of her joining in the Madrasah. That goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher of Madrasah.

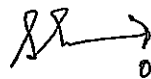
Md. Abu Turab Pailan has been working as Headmaster of Madrasah since 18.01.2022 and he has no idea as to how the petitioner was recruited. The necessary Resolution Books and Attendance Registers for the period from 2016 to 2020 were not handed over to the Headmaster.

The D.I. of Schools has also stated that the Rules of Recruitment were not complied with and no intimation was given or any permission was obtained from D.I. of Schools at the time of alleged recruitment of Arjina Khatun as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/23 -


2. Shri Manish Gupta
(Member) 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

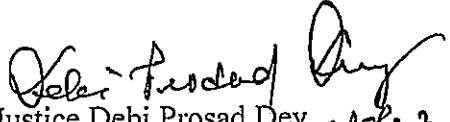
OBSERVATION

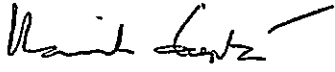
Sk. Ajmal Alam, Assistant Teacher, History (Pass): On the basis of Special Meeting No. SPL-01A.PGHPGHM/2016 dated 28.02.2016, the petitioner is claiming that he was appointed as Assistant Teacher of the Madrasah on and from 28.02.2016. The petitioner could not file any document to show such copy of Resolution. The Attendance Register has also not been produced to justify that the petitioner has been working since 02.03.2016. No document has been produced to show that Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were complied with at the time of alleged appointment of the petitioner.

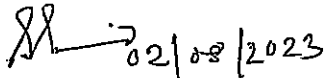
The Headmaster joined on 18.01.2022 but he did not get the Resolution Books for the year 2016-2020 at the time of his joining and Attendance Register for the period 2016 to 2019. The alleged letter of appointment also reveals that the Rules of Recruitment were never complied with in respect of alleged appointment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher.

ADI, Contai, Subhasis Mitra has also stated that Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with at the time of alleged recruitment of the petitioner. The Work Done Certificate submitted by the petitioner also could not be verified for want of official Attendance Register.

Considering the facts and circumstances of such material produced by the parties, we are of considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey 21/8/23
(Chairman)


2. Shri Manish Gupta 01/08/2023
(Member)

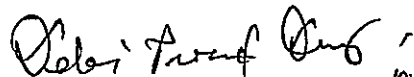

3. Shri Sripati Mukhopadhyay
(Member)

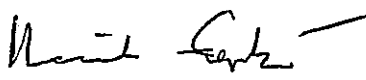
OBSERVATION


Sudarshan Jana, Assistant Teacher, Work Education (Pass): The petitioner is claiming to have been appointed as Assistant Teacher Work Education on and from 02.03.2016. The photo copy of the appointment letter, joining letter and the Work Done Certificate could not be verified due to non-production of the original Resolution Book, Attendance Register and due to non-appearance of the concerned persons. The Headmaster has been working in that Madrasah since 18.01.2022 and he has categorically stated that he did not get the original Resolution Book for the period from 2016 to 2020 and Attendance Register from 2016 to 2019.

The Headmaster has had no idea about the mode and manner of appointment of the petitioner. The ADI, Contai, Subhasis Mitra has also stated that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 was never complied with in respect of the appointment of the petitioner.

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey 2/8/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

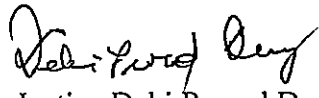
OBSERVATION

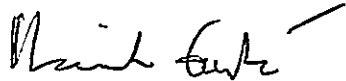
Sabina Yesmin Shah, Assistant Teacher, Bengali (Pass): As per Resolution No. 14A of the Managing Committee dated 29.02.2016, the petitioner was appointed on 29.02.2016 as Assistant Teacher Bengali (Pass) under 10% Management quota in Purba Garchakrabberia H.B.Jr. High Madrasah. On scrutiny of her education qualification, we find that she obtained 38.22% marks in her B.A. examination and she had no B.Ed. degree on the date of her alleged appointment. Md. Abu Turab Pailan, the present Headmaster has categorically stated that he did not get the original Resolution Book of the Managing Committee prior to 2018 and he has had no idea about the mode and manner of the process of appointment of the petitioner. Therefore, the Work Done Certificate produced by the petitioner also loses its importance in view of such statement of the Headmaster.


Secondly, the original Attendance Register has not been produced to show that the petitioner has been working since her appointment. Subhasis Mitra, the ADI, Contai has also stated that the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with the alleged appointment of the petitioner.

The Headmaster has produced certified copy of the Resolution dated 02.03.2022 where from it is evident that the Resolution Books for the year 2016 to 2022 and the Teachers Attendance Registers for the period 2016 to 2019 were not handed over to the Headmaster on the date of his taking charge of such institution i.e., 02.03.2022.

Under the circumstances stated above, we find that there is no valid document to hold that Sabina Yesmin Shah was recruited following the Rules of Recruitment vide Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she, having no requisite qualification to be appointed as Assistant Teacher, has been working as Assistant Teacher in the Madrasah since 02.03.2016 (for non-production of the original Attendance Register of any document to show that the attendance of the petitioner).


1. Justice Debi Prosad Dey 21/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)

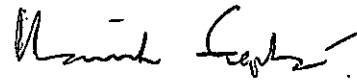

3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION


Lilufa Yasmin, The petitioner is claiming that she has been working in Takipur High Madrasah as Asstt. Teacher Bengali (pass) since 14.09.2017. The photocopy of appointment letter revealed that Lilufa Yasmin was appointed purely on temporary basis. Lilufa Yasmin does not have requisite qualification to be appointed as Assistant Teacher. We do not find any resolution to the affect that Lilufa Yasmin was recruited following the rules of recruitment being memo no. 486-MD/O/2M-11/2016 dated 03.03.2016. The Headmaster, Takipur High Madrasah, Azizur Islam and the D.I. of Schools both have unequivocally stated that Lilufa Yasmin was never recruited following the rules of recruitment. We do not find her signature in the official attendance register maintained by the Madrasah. No resolution about appointment of Lilufa Yasin is available in the original Resolution Book. We are of considered opinion that Lilufa Yasmin was never recruited following rules of recruitment. She does not have requisite qualification for being recruited as Assistant Teacher. She is not entitled to get any salary. The Headmaster of Takipur High Madrasah has also filed number of documents in order to establish that the claim of Lilufa Yasmin and others is false, fabricated and they are not entitled to get any relief as prayed for. The Headmaster or any Teacher In-charge never issued any Work Done Certificate in favour of Lilufa Yasmin.



1. Justice Debi Prosad Dey
(Chairman) 01/08/2023



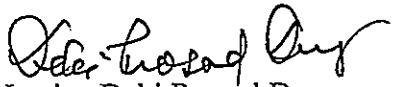
2. Shri Manish Gupta
(Member) 01/8/2023

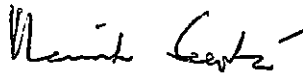
 01/8/2023

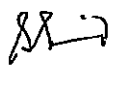
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Channihar Khatun: Despite successive service of notices, Channihar Khatun did not turn up. The so called appointment letter filed by Channihar Khatun revealed that she was appointed on 27.10.2019 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools, Murshidabad have unequivocally stated that Channihar Khatun was never recruited following rules of recruitment in absence of any original document. We could not even verify her educational testimonials or any other documents. The Headmaster has also filed number of documents in order to show that the claim of Channihar Khatun is false and fabricated. The original attendance register maintained by the Madrasah does not bear the signature of Channihar Khatun. In such circumstances we are of the considered opinion that Channihar Khatun was never recruited following the rules of recruitment being memo no. 486-MD/O/2M-11/2016 dated 03.03.2016 as Group-D employee in Takipur High Madrasah and therefore she is not entitled to get any salary.

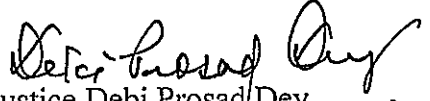

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

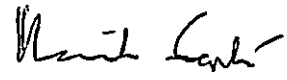

2. Shri Manish Gupta 01/8/2023
(Member)

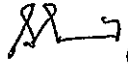

3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

OBSERVATION

Ayesha Siddika : The photocopy of appointment letter of the Petitioner revealed that she was appointed on 06.09.2017 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools of Murshidabad have specifically stated that Ayesha Siddika was never recruited following the rules of recruitment in Takipur High Madrasah and her claim is false and fabricated. On scrutiny of the original Resolution Book of the Managing Committee, we do not find any such resolution by which Ayesha Siddika was recruited as Assistant Teacher in Language Group Bengali. We also do not find any signature in the official attendance register maintained by the Madrasah. The Headmaster, Azizul Islam has filed number of documents in order to justify that the claim of Ayesha Siddika is false and fabricated. In fine, we are of the considered opinion that Ayesha Siddika was never recruited following the rules of recruitment and she is not entitled to get any salary. She never worked in Takipur High Madrasah and her claim is based on false and fabricated documents.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

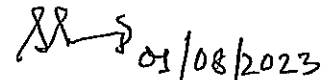
Md. Mohibul Sk. : The photocopy of appointment letter of the Petitioner revealed that he was appointed on 06.09.2017 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools of Murshidabad have specifically stated that Md. Mohibul Sk. was never recruited following the rules of recruitment in Takipur High Madrasah and his claim is false and fabricated. On scrutiny of the original Resolution Book of the Managing Committee, we do not find any such resolution by which Md. Mohibul Sk was recruited as Assistant Teacher Arabic (Pass). We also do not find any signature in the official attendance register maintained by the Madrasah. The Headmaster, Azizul Islam has filed number of documents in order to justify that the claim of Md. Mohibul Sk is false and fabricated. In fine, we are of the considered opinion that Md. Mohibul Sk. was never recruited following the rules of recruitment and he is not entitled to get any salary. He never worked in Takipur High Madrasah and his claim is based on false and fabricated documents.



1. Justice Debi Prosad Dey 01/08/2023
(Chairman)



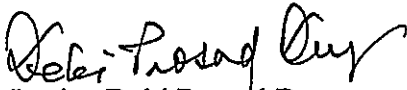
2. Shri Manish Gupta 01/08/2023
(Member)




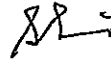
3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

Md. Hasibur Rahaman : The photocopy of appointment letter of the Petitioner revealed that he was appointed on 06.09.2017 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools of Murshidabad have specifically stated that Md. Mohibul Sk was never recruited following the rules of recruitment in Takipur High Madrasah and his claim is false and fabricated. On scrutiny of the original Resolution Book of the Managing Committee, we do not find any such resolution by which Md. Hasibur Rahaman was recruited as Assistant Teacher Math (Pass). We also do not find any signature in the official attendance register maintained by the Madrasah. The Headmaster, Azizul Islam has filed number of documents in order to justify that the claim of Md. Hasibur Rahaman is false and fabricated. In fine, we are of the considered opinion that Md. Hasibur Rahaman was never recruited following the rules of recruitment and he is not entitled to get any salary. He never worked in Takipur High Madrasah and his claim is based on false and fabricated documents.


1. Justice Debi Prasad Dey
(Chairman) 01/08/2023

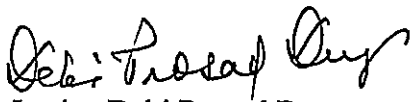

2. Shri Manish Gupta 01/8/2023
(Member)

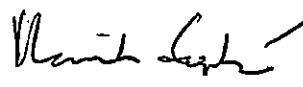
 01/8/2023

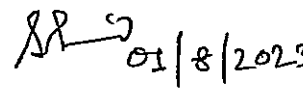
3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Samiul Kabir: The photocopy of appointment letter of the Petitioner revealed he was appointed on 29.10.2019 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools of Murshidabad have specifically stated that Samiul Kabir was never recruited following the rules of recruitment in Takipur High Madrasah and his claim is false and fabricated. On scrutiny of the original Resolution Book of the Managing Committee, we do not find any such resolution by which Samiul Kabir was recruited as Assistant Teacher Geography (Pass). We also do not find any signature in the official attendance register maintained by the Madrasah. The Headmaster, Azizul Islam has filed number of documents in order to justify that the claim of Samiul Kabir is false and fabricated. In fine, we are of the considered opinion that Samiul Kabir was never recruited following the rules of recruitment and he was not entitled to get any salary. He never worked in Takipur High Madrasah and his claim is based on false and fabricated documents. In such circumstances we are of the considered opinion that Samiul Kabir was never recruited following the rules of recruitment being memo no. 486-MD/O/2M-11/2016 dated 03.03.2016 as Asstt. Teacher Geography (Pass) in Takipur High Madrasah and therefore he is not entitled to get any salary. The Petitioner is claiming that he was appointed on 27.10.2019 as Asstt. Teacher (Geography). Admittedly the Petitioner completed his graduation in Geography from the University of Kalyani in the year 2020. Therefore question of appointment as Asstt. Teacher (Geography) prior to completion of graduation does not arise.

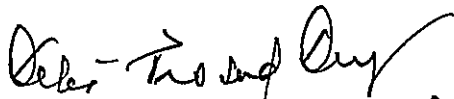

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

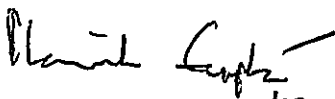

2. Shri Manish Gupta 01/08/2023
(Member)

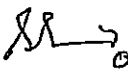

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Rekha Khatun: The photocopy of appointment letter of the Petitioner revealed that she was appointed on 14.09.2017 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools of Murshidabad have specifically stated that Samiul Kabir was never recruited following the rules of recruitment in Takipur High Madrasah and her claim is false and fabricated. On scrutiny of the original Resolution Book of the Managing Committee, we do not find any such resolution by which Rekha Khatun was recruited as Assistant Teacher English (Pass). We also do not find any signature in the official attendance register maintained by the Madrasah. The Headmaster, Azizul Islam has filed number of documents in order to justify that the claim of Rekha Khatun is false and fabricated. In fine, we are of the considered opinion that Rekha Khatun was never worked in Takipur High Madrasah and her claim is based on false and fabricated documents. In such circumstances we are of considered opinion that Rekha Khatun was never recruited following the rules of recruitment being memo no. 486-MD/O/2M-11/2016 dated 03.03.2016 as Asstt. Teacher English (Pass) in Takipur High Madrasah and therefore she is not entitled to get any salary.

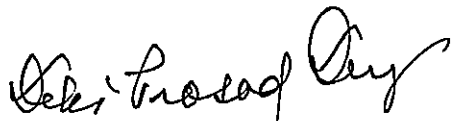

1. Justice Debi Prosad Dey 01/08/2023
(Chairman)

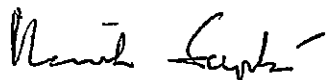

2. Shri Manish Gupta 01/8/2023
(Member)

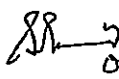

3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Najma Khatun: The photocopy of appointment letter of the Petitioner revealed she was appointed on 06.09.2017 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools of Murshidabad have specifically stated that Najma Khatun was never recruited following the rules of recruitment in Takipur High Madrasah and her claim is false and fabricated. On scrutiny of the original Resolution Book of the Managing Committee, we do not find any such resolution by which Najma Khatun was recruited as Group-C employee. We also do not find any signature in the official attendance register maintained by the Madrasah. The Headmaster, Azizul Islam has filed number of documents in order to justify that the claim of Najma Khatun is false and fabricated. In fine, we are of the considered opinion that Najma Khatun was never recruited following the rules of recruitment and she is not entitled to get any salary. She never worked in Takipur High Madrasah and her claim is based on false and fabricated documents. In such circumstances we are of the considered opinion that Najma Khatun was never recruited following the rules of recruitment being memo no. 486-MD/O/2M-11/2016 dated 03.03.2016 as Group-C employee.

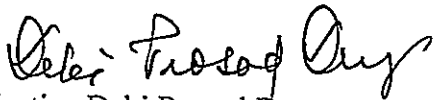

1. Justice Debi Prosad Dey
(Chairman) 01/08/2023



2. Shri Manish Gupta 01/8/2023
(Member)

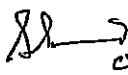

3. Shri Sripati Mukhopadhyay 01/8/2023
(Member)

OBSERVATION

Sufia Khatun : The photocopy of appointment letter of the Petitioner revealed she was appointed on 06.09.2017 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools of Murshidabad have specifically stated that Sufia Khatun was never recruited following the rules of recruitment in Takipur High Madrasah and her claim is false and fabricated. On scrutiny of the original Resolution Book of the Managing Committee, we do not find any such resolution by which Sufia Khatun was recruited as Asstt. Teacher Bio Science (Pass). We also do not find any signature in the official attendance register maintained by the Madrasah. The Headmaster, Azizul Islam has filed number of documents in order to justify that the claim of Sufia Khatun is false and fabricated. In fine, we are of the considered opinion that Sufia Khatun was never recruited following the rules of recruitment and she was not entitled to get any salary. She never worked in Takipur High Madrasah and her claim is based on false and fabricated documents. In such circumstances we are of the considered opinion that Sufia Khatun was never recruited following the rules of recruitment being memo no. 486-MD/O/2M-11/2016 dated 03.03.2016 as Group-C employee.



1. Justice Debi Prosad Dey
(Chairman) 09/08/2023

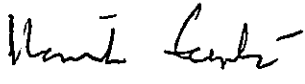

2. Shri Manish Gupta 01/8/2023
(Member)

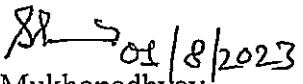

03/8/2023
3. Shri Stripati Mukhopadhyay
(Member)

OBSERVATION

Dipak Kumar Saha: The photocopy of appointment letter of the Petitioner revealed that he was appointed on 06.09.2017 on temporary basis. The Headmaster, Azizul Islam and D.I. of Schools of Murshidabad have specifically stated that Dipak Kumar Saha is false and fabricated. On scrutiny of the original Resolution Book of the Managing Committee, we do not find any such resolution by which Dipak Kumar Saha was recruited as Asstt. Teacher Physical Education (Pass). We also do not find any signature in the official attendance register maintained by the Madrasah. The Headmaster, Azizul Islam has filed number of documents in order to justify that the claim of Dipak Kumar Saha is false and fabricated. In fine, we are of the considered opinion that Dipak Kumar Saha was never recruited following the rules of recruitment and he is not entitled to get any salary. He never worked in Takipur High Madrasah and his claim is based on false and fabricated documents. In such circumstances we are of the considered opinion that Dipak Kumar Saha was never recruited following the rules of recruitment being memo no. 486-MD/O/2M-11/2016 dated 03.03.2016 as Asstt. Teacher, Physical Education (Pass).


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

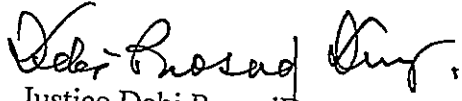

2. Shri Manish Gupta 01/08/2023
(Member)

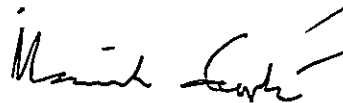

3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

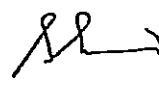
OBSERVATION

Arsed Mollah, Group-D : Admittedly, the Petitioner never appeared in written examination or appeared before any Interview Board for being recruited as Group-D of Nimdighi High Madrasah. The Headmaster, Sk. Sarin Sahaj has specifically stated that the Resolution Books of the Managing Committee for the year 2015-2016 were not handed over to him by Teacher-in-Charge. No attested copy of the Resolution Book for the year 2016 by which the petitioner was appointed, has been filed by the Petitioner to show that the Petitioner was recruited following the Rules of Recruitment. The Official Attendance Register does not bear the signature of the petitioner. The photostat copy of the Attendance Register submitted by the petitioner was not attested by the Headmaster or any appropriate office bearer to justify that the Petitioner has been working as Group-D employee of that Madrasah. The D.I. of Schools, Howrah has stated by filing a report that the he had no knowledge about alleged recruitment of the Petitioner following the Rules of Recruitment.

Under the above circumstances, we are of the considered view that the Petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah under reference, as claimed by him.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)

 31/07/2023
3. Shri Sripati Mukhopadhyay
(Member)

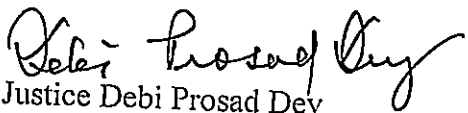
OBSERVATION


Md. Ibrahim Mallick, Assistant Teacher, Arabic (Pass) : The Petitioner is claiming himself as permanent Teacher of Nimdighi High Madrasah. said to have been recruited on 05.02.2016 and has been working since then.

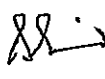
The Petitioner obtained 43.3% in aggregate in M.M. examination and he had no D.L. Ed. degree on the date of his recruitment.

Admittedly, the Petitioner had no requisite qualification to be appointed as Assistant Teacher. There is no resolution of the Managing Committee showing the mode and manner of recruitment of the petitioner. The Headmaster, Sk. Sarin Sahag has also stated that he never seen the petitioner to work as Assistant Teacher. No attested copy of Resolution Book filed by the Petitioner also reveals that the Rules of Recruitment No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with in the alleged recruitment of the Petitioner. The official Attendance Register produced by the Headmaster also does not bear the signature of the Petitioner. The D.I. of Schools, Howrah by filing a report has stated that there was no intimation to the Government about alleged recruitment of the Petitioner following the Rules of Recruitment.

Under the circumstances cited above, we are of considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah under reference.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)

 31/07/2023
3. Shri Sripati Mukhopadhyay
(Member)

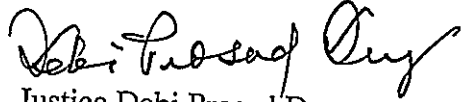
OBSERVATION

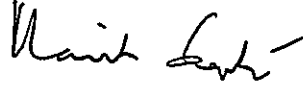
Serina Yasmin, Assistant Teacher, Arabic (Pass) : The Petitioner is claiming herself as permanent Teacher of Nimdighi High Madrasah, said to have been recruited on 05.02.2016 and has been working since then.

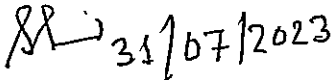
The Petitioner obtained 41.38% in aggregate in B.A. examination and she had no B.Ed.degree on the date of her recruitment.

Admittedly, the Petitioner had no requisite qualification to be appointed as Assistant Teacher. There is no resolution of the Managing Committee showing the mode and manner of recruitment of the petitioner. The Headmaster, Sk. Sarin Sahaj has also stated that he has never seen the petitioner to work as Assistant Teacher. No attested copy of Resolution Book filed by the Petitioner also reveals that the Rules of Recruitment No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with in the alleged recruitment of the Petitioner. The official Attendance Register produced by the Headmaster also does not bear the signature of the Petitioner. The D.I. of Schools, Howrah by filing a report has stated that there was no intimation to the Government about alleged recruitment of the Petitioner following the Rules of Recruitment.

Under the circumstances cited above, we are of considered opinion that the petitioner was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah under reference.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Jahidul Mondal, Gr. 'C':- As per his letter of appointment, Jahidul Mondal was appointed as Clerk by the proposed Organizing Madrasah of Morar Junior High Madrasah on 11/06/2018 but, in fact, the Junior High Madrasah was recognized by the West Bengal Board of Madrasah Education vide no. 1248 dated 20/11/2008. The letter of confirmation dated 07/09/2018 reveals that Jahidul Mondal was as similarly situated incumbent in terms of Resolution No. 89 dated 07/09/2018 in Morar High Madrasah. Admittedly, there was no existence of Morar Junior High Madrasah or Morar High Madrasah on 12/06/2008. Secondly, the resolution no. 89 dated 07/09/2018 reveals that Jahidul Mondal was never recruited following the Rules of Recruitment being no. No. 93-SE/S10R-14/13 dt. 09.02.2015 or 486-MD/O/2M-11/2016 dated 03/03/2016 in Morar High Madrasah, Bankura. The Teacher-in-charge of Morar High Madrasah, Mr. Safiqul Islam Sheikh and the District Inspector of School, Bankura, Mr. Pijus Kanti Bera have unequivocally stated that Jahidul Mondal was never recruited following the Rules of Recruitment being No. No. 93-SE/S10R-14/13 dt. 09.02.2015 or 486-MD/O/2M-11/2016 dated 03/03/2016.

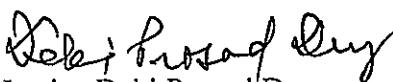
The instant case of Jahidul Mondal reveals that his claim as legally recruited Gr. 'C' employee of Morar High Madrasah is not valid and legally acceptable.


- Debi Prosad Dey*
1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- Manish Gupta*
2) Shri Manish Gupta 01/08/2023
(Member)
- Shri Sripati Mukhopadhyay*
3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023


OBSERVATION

Nijamuddin Khan, Group – D : The petitioner is claiming that he was appointed as Group-D employee on 17.12.2015 and has been working from 26.12.2015. Admittedly, we do not find any Resolution in the original Resolution Book being Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015. There is no signature of the petitioner in the Attendance Register. The Headmistress and the D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah. We do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

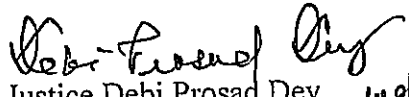

2. Shri Manish Gupta 02/08/2023
(Member)

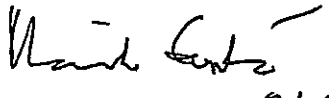

3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

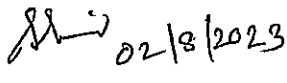
OBSERVATION

Sk. Sazzad Hossain, Group – D : The petitioner is claiming that he was appointed as Group - D employee on 17.12.2015 and has been working from 26.12.2015. Admittedly, we do not find any Resolution in the original Resolution Book being Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015. There is no signature of the petitioner in the Attendance Register. The Headmistress and the D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah. We do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey *02/08/2023*
(Chairman)

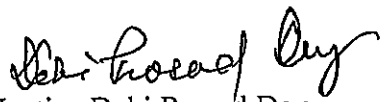
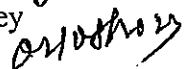

2. Shri Manish Gupta *02/08/2023*
(Member)

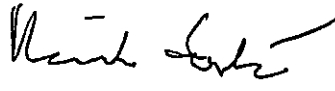


3. Shri Sripati Mukhopadhyay
(Member)

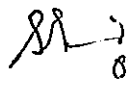
OBSERVATION

Sk. Abid Hossain, Group – C (Clerk) : The petitioner is claiming that he was appointed as Group – C (Clerk) employee on 17.12.2015 and has been working from 26.12.2015. Admittedly, we do not find any Resolution in the original Resolution Book being Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015. There is no signature of the petitioner in the Attendance Register. The Headmistress and the D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah. We do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 

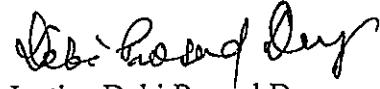

2. Shri Manish Gupta 
(Member)


02/08/2023
3. Shri Sripati Mukhopadhyay
(Member)

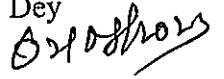
OBSERVATION

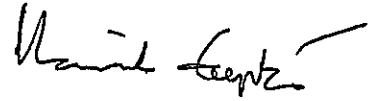
Md. Sabemiraj Ali Khan, Assistant Teacher, Arabic (Pass) : As per Resolution vide Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015, the petitioner was appointed as Assistant Teacher, Arabic (Pass). We do not find any such Resolution in the original Resolution Book. The petitioner obtained 49.07% in B.A. examination and had no B.Ed. degree on the date of his appointment. The petitioner had no requisite qualification to be appointed as Assistant Teacher. There is no signature of the petitioner in the official Attendance Register. The Headmistress and the D.I. of Schools, Purba Medinipur have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as Assistant Teacher following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.

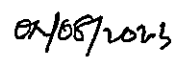


1. Justice Debi Prosad Dey
(Chairman)





2. Shri Manish Gupta
(Member)



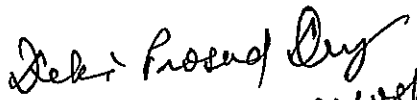
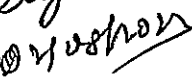

02/8/2023

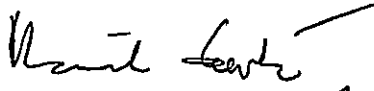
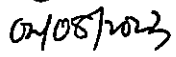
3. Shri Sripati Mukhopadhyay
(Member)

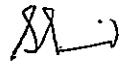
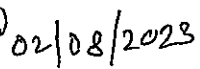
OBSERVATION

Amina Khatun, Group – D : The petitioner is claiming that he was appointed as Group – D employee on 17.12.2015 and has been working from 26.12.2015. Admittedly, we do not find any Resolution in the original Resolution Book being Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015. There is no signature of the petitioner in the Attendance Register. The Headmistress and the D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah. We do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.


1. Justice Debi Prosad Deo 
(Chairman)

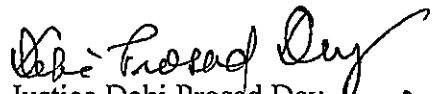

2. Shri Manish Gupta 
(Member)

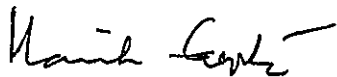

3. Shri Sripati Mukhopadhyay 
(Member)

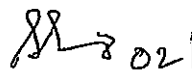
OBSERVATION

Aliya Begam, Assistant Teacher, Zoology (H/PG) : As per Resolution vide Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015, the petitioner was appointed as Assistant Teacher, Zoology (Pass). We do not find any such Resolution in the original Resolution Book. The petitioner could not produce her B.Ed. degree and thereby could not establish that she had B.Ed. degree on the date of her alleged appointment. In absence, of such original B.Ed. degree we hold that she had no requisite qualification on the date of her alleged appointment. There is no signature of the petitioner in the official Attendance Register. The Headmistress and the D.I. of Schools, Purba Medinipur have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as Assistant Teacher following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

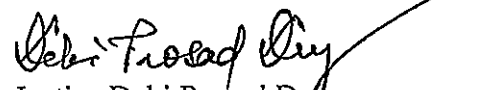

2. Shri Manish Gupta 02/08/2023
(Member)

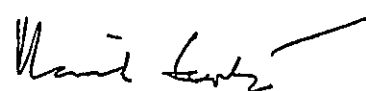

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

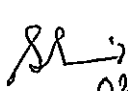
OBSERVATION

Sk. Alauddin, Assistant Teacher, History (Pass) : As per Resolution vide Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015, the petitioner was appointed as Assistant Teacher, History (Pass). We do not find any such Resolution in the original Resolution Book. The petitioner obtained 42.3% in B.A. examination and had no B.Ed. degree on the date of his appointment. The petitioner had no requisite qualification to be appointed as Assistant Teacher. There is no signature of the petitioner in the official Attendance Register. The Headmistress and the D.I. of Schools, Purba Medinipur have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as Assistant Teacher following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

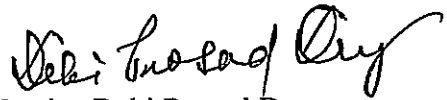

2. Shri Manish Gupta 02/08/2023
(Member)

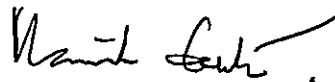

02/08/2023
3. Shri Sripati Mukhopadhyay
(Member)

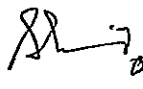
OBSERVATION

Ayesha Siddika, Assistant Teacher, Geography (Pass) : As per Resolution vide Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015, the petitioner was appointed as Assistant Teacher, Geography (Pass). We do not find any such Resolution in the original Resolution Book. The petitioner obtained 43.87% in B.A. examination and had no B.Ed. degree on the date of his appointment. The petitioner had no requisite qualification to be appointed as Assistant Teacher. There is no signature of the petitioner in the official Attendance Register. The Headmistress and the D.I. of Schools, Purba Medinipur have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as Assistant Teacher following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2021

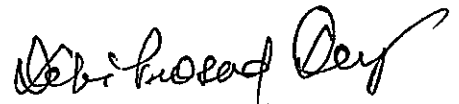

2. Shri Manish Gupta 02/08/2021
(Member)


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2021

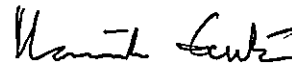
OBSERVATION

Khadija Khatun, Group – D : The petitioner is claiming that she was appointed as Group – D employee on 17.12.2015 and has been working from 26.12.2015. Admittedly, we do not find any Resolution in the original Resolution Book being Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015. There is no signature of the petitioner in the Attendance Register. The Headmistress and the D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah. We do not find any signature of the petitioner in the official Attendance Register.

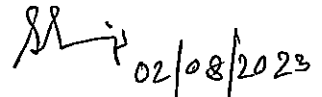
Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.



1. Justice Debi Prosad Dey
(Chairman)



2. Shri Manish Gupta
(Member)

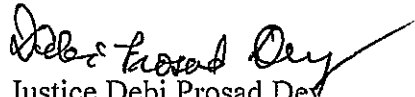
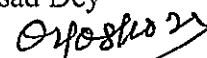


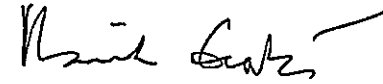
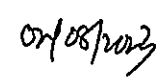
3. Shri Sripati Mukhopadhyay
(Member)

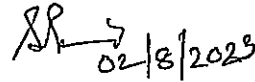
OBSERVATION

Mayjamin Khatun, Assistant Teacher, Bengali (Pass) : As per Resolution vide Special Meeting No. – 01/SPL/DFHM/2015 dated 17.12.2015, the petitioner was appointed as Assistant Teacher, Bengali (Pass). We do not find any such Resolution in the original Resolution Book. The petitioner obtained 36.5% in B.A. examination and had no B.Ed. degree on the date of his appointment. The petitioner had no requisite qualification to be appointed as Assistant Teacher. There is no signature of the petitioner in the official Attendance Register. The Headmistress and the D.I. of Schools, Purba Medinipur have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as Assistant Teacher following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.

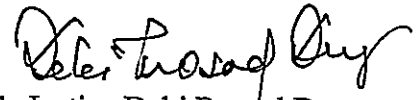

1. Justice Debi Prosad Dey
(Chairman) 


2. Shri Manish Gupta 
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

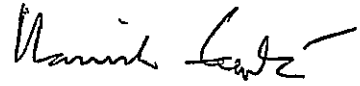
OBSERVATION

Lal Mahammad Khan, The Petitioner has admitted that he was never recruited following the Rules of Recruitment but he used to work as Part time Teacher. We do not find any resolution being no. 2/2017 dated 29.04.2017 on the strength of which Lal Mahammad Khan is claiming to have been appointed, on scrutiny of the Resolution book produced by the Headmaster, Abdul Rahaman Mallick. The Headmaster asserted that Lal Mahammad Khan was never recruited following the rules of recruitment and never worked as Asstt. Teacher History in their Madrasah. The D.I. of Schools, Howrah also corroborated such statement by filing a separate report thereof. Having regard to the documents filed by the Petitioner, the Headmaster and the D.I. of Schools, we have no hesitation to say that Lal Mahammad Khan was never recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah. The claim of Lal Mahammad Khan is false and fabricated.



1. Justice Debi Prosad Dey
(Chairman)

01/08/23



2. Shri Manish Gupta
(Member)

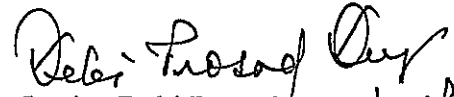


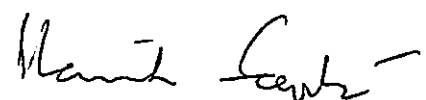
3. Shri Sripati Mukhopadhyay
(Member)

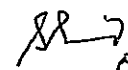
OBSERVATION

Sk. Ramjan Ali, the Petitioner is claiming that he was appointed as Librarian in the Madrasah on 02.05.2017 and he has been working since 09.05.2017. Sk. Ramjan Ali has produced two letters of appointment, one as part time Computer Teacher and another is a letter of appointment as Librarian. We do not find any such resolution in the official Resolution Book as produced by Sk. Ramjan Ali but Abdul Rahaman Mallick, the Headmaster further stated that there was no sanctioned post of Librarian in the Madrasah in the year 2017. There is no signature of the Petitioner in the official Attendance Register produced by the Headmaster. The D.I. of Schools, Howrah by filing a report has also corroborated such statement of the Headmaster.

Considering the documents produced by the Petitioner, Headmaster and the D.I. of Schools, we have no hesitation to say that the Petitioner was never recruited following the Rules of Recruitment being No. 486-MD/0/2M-11/2016 dated 03.03.2016 as Librarian since there was no sanctioned post of Librarian in that Madrasah and the Petitioner never worked a legally recruited Librarian in the Madrasah. The claim of the Petitioner is false and fabricated.


1. Justice Debi Prosad Dey
(Chairman) 01/08/2023

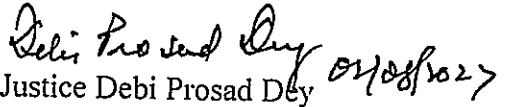

2. Shri Manish Gupta
(Member) 01/8/2023

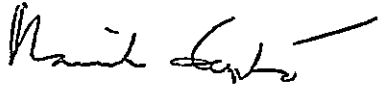

3. Shri Sripati Mukhopadhyay
(Member) 01/8/2023

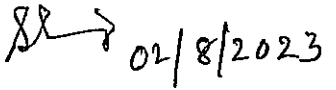
OBSERVATION

Nasiruddin Shaikh, Group – C (Clerk) : The petitioner is claiming that he was appointed as Group – C (Clerk) employee on 17.12.2015 and he has been working in the Madrasah since 26.12.2015. The photostat copy of Appointment Letter contains one imaginary Resolution of the Managing Committee. We do not find any Resolution in the Resolution Book that the petitioner was recruited following Rules of Recruitment. The Photostat copy of Work Done Certificate in printed form having no signature or seal of the Secretary of the Managing Committee, is filed but the signature and seal of the Secretary of the Managing Committee has been put on such photostat copy. The Teacher-in-Charge and D.I. of Schools have unequivocally stated that the petitioner never worked in the Madrasah and was never recruited as per Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)

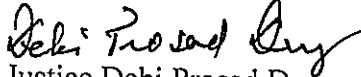

2. Shri Manish Gupta 02/08/2023
(Member)



3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

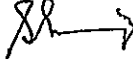
OBSERVATION

Sarifuddin Gazi, Assistant Teacher, ENVS (H/PG) : The petitioner did not turn up with any document for verification. The Resolution mentioned in the photocopy of the Appointment Letter appears to be an imaginary Resolution.

In absence of any document, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)

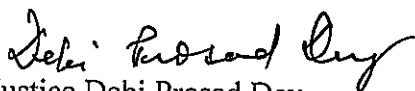

2. Shri Manish Gupta 02/08/2023
(Member)

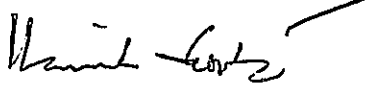

3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

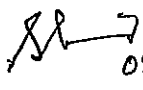
OBSERVATION

Ataur Rahaman Khan, Assistant Teacher, Computer Science : The petitioner had no B.Ed. degree on the date of his appointment. There is no Resolution in the original Resolution Book on the strength of which the petitioner is claiming to have been appointed by the Madrasah. Abdul Asique Laskar, The Assistant Teacher of Kuldia Mohanpur High Madrasah (H.S), South 24 Parganas (since 05.03.2009) has been working as Teacher-in-Charge since January, 2023. He has categorically stated that the petitioner never worked in the Madrasah and the petitioner was never recruited following the Rules of Recruitment in the Madrasah. The Work Done Certificate has been granted by the Secretary of the Managing Committee without having any signature of the petitioner in the official Attendance Register. The D.I. of Schools has also filed a report stating *inter alia* that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The original Resolution Book does not reveal any Resolution to show that the petitioner was recruited following the Rules of Recruitment.

Under the circumstances stated above, we have no hesitation to say that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with in the alleged appointment of the petitioner and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

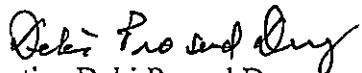

2. Shri Manish Gupta
(Member) 02/08/2023



3. Shri Sripati Mukhopadhyay
(Member) 02/8/23

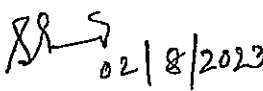
OBSERVATION

Oboydulla Sardar, Group - D : The petitioner is claiming that he was appointed as Group – D employee on 17.12.2015 and he has been working in the Madrasah since 26.12.2015. The photostat copy of Appointment Letter contains one imaginary Resolution of the Managing Committee. We do not find any Resolution in the Resolution Book that the petitioner was recruited following Rules of Recruitment. The photostat copy of Work Done Certificate in printed form having no signature or seal of the Secretary of the Managing Committee is filed but the signature and seal of the Secretary of the Managing Committee has been put on such photostat copy. The Teacher-in-Charge and D.I. of Schools have unequivocally stated that the petitioner never worked in the Madrasah and was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)

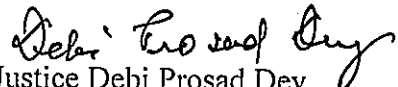

3. Shri Sripati Mukhopadhyay
(Member)

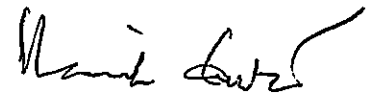
OBSERVATION

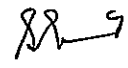
Md. Sabir Hossain Khamaru, Assistant Teacher, History (Pass) : The petitioner obtained only 33.61% marks in B.A. examination and had no B.Ed. degree on the date of his joining. The petitioner had no requisite qualification to join as Assistant Teacher, History (Pass). There is no signature of the petitioner in the official Attendance Register. The Resolution mentioned in the Appointment Letter of the petitioner appears to be imaginary one and does not find place in the original Resolution Book.

The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment.

In such circumstances, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

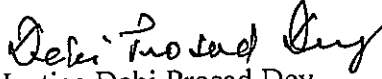

2. Shri Manish Gupta 02/08/2023
(Member)

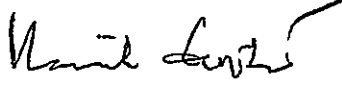

3. Shri Sripati Mukhopadhyay
(Member) 02/8/2023

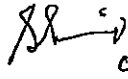
OBSERVATION

Md. Mustak Ali Khan, Group - D : The petitioner is claiming that he was appointed as Group – D employee on 17.12.2015 and he has been working in the Madrasah since 26.12.2015. The photostat copy of Appointment Letter contains one imaginary Resolution of the Managing Committee. We do not find any Resolution in the Resolution Book that the petitioner was recruited following Rules of Recruitment. The photostat copy of Work Done Certificate in printed form having no signature or seal of the Secretary of the Managing Committee is filed but the signature and seal of the Secretary of the Managing Committee has been put on such photostat copy. The Teacher-in-Charge and D.I. of Schools have unequivocally stated that the petitioner never worked in the Madrasah and was never recruited following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

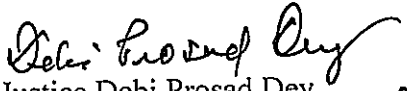

2. Shri Manish Gupta 02/08/2023
(Member)

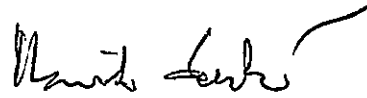

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

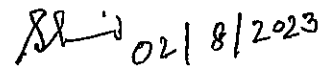
OBSERVATION

Md. Azahar Uddin Sk., Assistant Teacher, Bengali (Pass) : The petitioner obtained 42.61% marks in B.A. examination and had no B.Ed. degree. The Resolution mentioned in the Appointment Letter of the petitioner that the petitioner does not find place in the original Resolution Book. There is no signature of the petitioner in the official Attendance Register. The Teacher-in-Charge and D.I. of Schools have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment (having no requisite qualification) as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

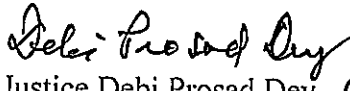

2. Shri Manish Gupta 02/08/2023
(Member)

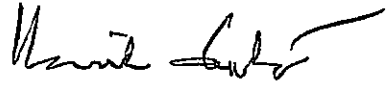

3. Shri Sripati Mukhopadhyay
(Member)

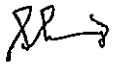
OBSERVATION

Md. Miraz Ali Khan, Group – C (Clerk) : The petitioner is claiming that he was appointed as Group – C employee on 17.12.2015 and he has been working in the Madrasah since 26.12.2015. The photostat copy of Appointment Letter contains one imaginary Resolution of the Managing Committee. We do not find any Resolution in the Resolution Book that the petitioner was recruited following Rules of Recruitment. The photostat copy of Work Done Certificate in printed form having no signature or seal of the Secretary of the Managing Committee is filed but the signature and seal of the Secretary of the Managing Committee has been put on such photostat copy. The Teacher-in-Charge and D.I. of Schools have unequivocally stated that the petitioner never worked in the Madrasah and was never recruited as per Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

OBSERVATION

Mahamudul Hassan Haldar, Group - D : The petitioner is claiming that he was appointed as Group - D employee on 17.12.2015 and he has been working in the Madrasah since 26.12.2015. The photostat copy of Appointment Letter contains one imaginary Resolution of the Managing Committee. We do not find any Resolution in the Resolution Book that the petitioner was recruited following Rules of Recruitment. The photostat copy of Work Done Certificate in printed form having no signature or seal of the Secretary of the Managing Committee is filed but the signature and seal of the Secretary of the Managing Committee has been put on such photostat copy. The Teacher-in-Charge and D.I. of Schools have unequivocally stated that the petitioner never worked in the Madrasah and was never recruited as per Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.

Debi Prosad Dey

1. Justice Debi Prosad Dey *04/08/2023*
(Chairman)

Manish Gupta

2. Shri Manish Gupta *01/08/2023*
(Member)

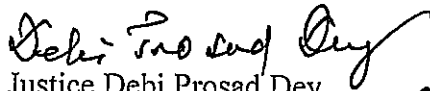
Sripati Mukhopadhyay *02/08/2023*

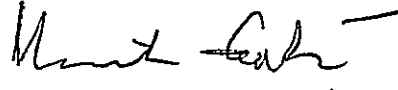
3. Shri Sripati Mukhopadhyay
(Member)

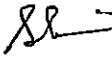
OBSERVATION

Md. Abu Jafar Middya, Group - D : The petitioner is claiming that he was appointed as Group – D employee on 17.12.2015 and he has been working in the Madrasah since 26.12.2015. The photostat copy of Appointment Letter contains one imaginary Resolution of the Managing Committee. We do not find any Resolution in the Resolution Book that the petitioner was recruited following Rules of Recruitment. The photostat copy of Work Done Certificate in printed form having no signature or seal of the Secretary of the Managing Committee is filed but the signature and seal of the Secretary of the Managing Committee has been put on such photostat copy. The Teacher-in-Charge and D.I. of Schools have unequivocally stated that the petitioner never worked in the Madrasah and was never recruited as per Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

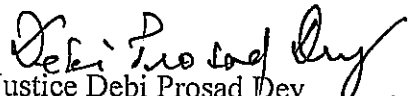

2. Shri Manish Gupta
(Member) 02/08/2023

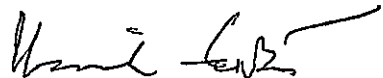

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

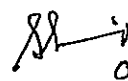
OBSERVATION

Aspak Kazi, Group – C (Clerk) : The petitioner is claiming that he was appointed as Group – C (Clerk) employee on 17.12.2015 and he has been working in the Madrasah since 26.12.2015. The photostat copy of Appointment Letter contains one imaginary Resolution of the Managing Committee. We do not find any Resolution in the Resolution Book that the petitioner was recruited following Rules of Recruitment. The photostat copy of Work Done Certificate in printed form having no signature or seal of the Secretary of the Managing Committee is filed but the signature and seal of the Secretary of the Managing Committee has been put on such photostat copy. The Teacher-in-Charge and D.I. of Schools have unequivocally stated that the petitioner never worked in the Madrasah and was never recruited as per Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. We do not find any signature of the petitioner in the Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

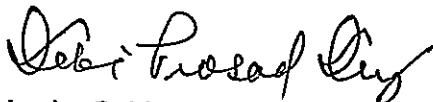
OBSERVATION


Zohorul Islam, Assistant Teacher, English (Pass):- The petitioner, Zohorul Islam, having no requisite qualification to be appointed as Assistant Teacher of English (Pass) of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur. He is claiming himself as Assistant Teacher on the basis of an imaginary Resolution of the Selection Committee of the Madrasah being No. SPL/01/K.N.K. Sr. M (Fazil)/2016 dated 09/02/2016 of the Managing Committee of the Madrasah.

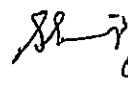
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. ~~But, he~~ had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The down loaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 03/08/2023

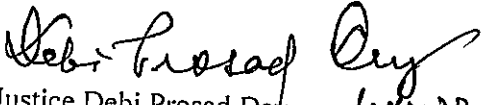
OBSERVATION


Abdul Wahed, Assistant Teacher, (UG):- On verification of the original Resolution Book of the Managing Committee, we do not find any Resolution dated 07/08/2018 vide Meeting no. 4/2018. On the strength of such Resolution, the petitioner is claiming that he was recruited as Assistant Teacher (Primary Section) of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur.

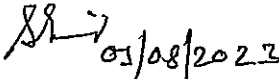
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. But, he had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The down loaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher (Primary Section) of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

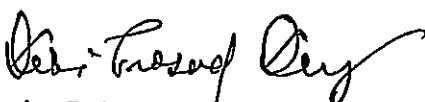
OBSERVATION

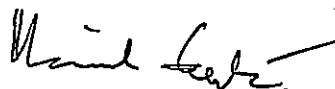
Abdul Wakil, Assistant Teacher, Arabic (H/PG):- On verification of the original Resolution Book of the Managing Committee, we do not find any Resolution dated 07/08/2018 vide Meeting no. 4/2018. On the strength of such Resolution, the petitioner is claiming that he was recruited as Assistant Teacher of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur.

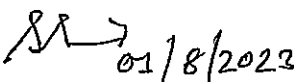
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. But, ~~he~~^{she} had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The down loaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 01/8/2023

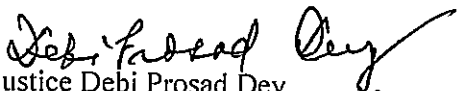
OBSERVATION


Md. Shamim Ashraf, Assistant Teacher, English (H/PG):- The petitioner, Md. Shamim Ashraf, is claiming to be appointed as Assistant Teacher of English (H/PG) of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur. He is claiming himself as Assistant Teacher on the basis of an imaginary Resolution of the Selection Committee of the Madrasah being No. SPL/01/K.N.K. Sr. M (Fazil)/2017 dated 06/02/2017 of the Managing Committee of the Madrasah.

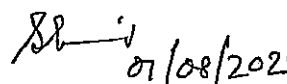
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. But, he had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The down loaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

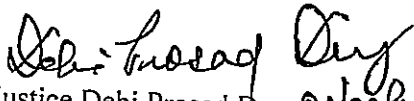
OBSERVATION

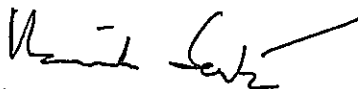
Md. Khurshid Alam, Assistant Teacher, Geography (Pass):- On verification of the original Resolution Book of the Managing Committee, we do not find any Resolution dated 07/08/2018 vide Meeting no. 4/2018. On the strength of such Resolution, the petitioner is claiming that he was recruited as Assistant Teacher of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur.

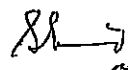
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. But, He had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The downloaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)


2) Shri Manish Gupta 01/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION

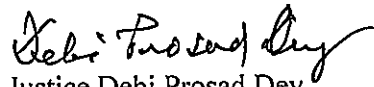
Abdul Hamid Sardar, Group-D : Except photocopies of the appointment letter, joining letter and the Work Done Certificate issued by the Secretary, the petitioner could not produce any document to show that he was recruited as Group-D.

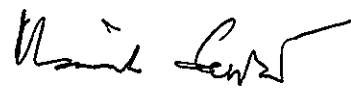
On the strength of Special Meeting No. KHM/D/SPL-01A/2018 dated 10.03.2018, the petitioner is claiming that he was recruited by the Managing Committee.

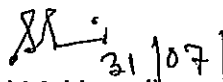
On scrutiny of the Resolution Book of the Managing Committee, we do not find any such Resolution. as has been mentioned in the appointment letter of the petitioner. The Headmaster specifically stated that there is no signature of the petitioner in the official Attendance Register and he never worked in any capacity in the Madrasah. The A.D.I, Basirhat also corroborated the Headmaster.

The Work Done Certificate issued by the Secretary has had no relevance/importance since there is no signature of the Petitioner in the official Attendance Register.

Therefore, we are satisfied that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023

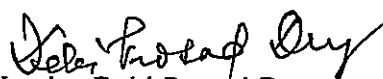

2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

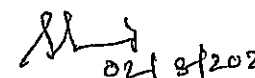
OBSERVATION

Ratan Mondal, Group – D : The petitioner could not produce any Work Done Certificate or original letter of appointment. We do not find any Resolution in the original Resolution Book as has been mentioned in the photocopy of appointment letter of the petitioner. The Headmaster, Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following Rules of Recruitment and he never worked in the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)

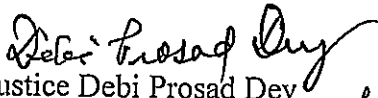

2. Shri Manish Gupta 02/08/2023
(Member)

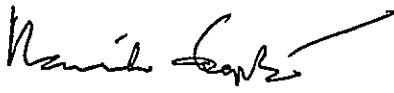

3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

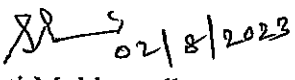
OBSERVATION

Izaz Ahmed Khan, Assistant Teacher, English (Pass) : The petitioner did not turn up with the original documents for verification. It is apparent from the photocopies of documents filed by the petitioner that he had obtained 36.23% in B.A. examination and had no B.Ed. degree on the date of his alleged appointment. The petitioner had no requisite qualification to be appointed as Assistant Teacher, English. The Headmaster Mr. Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment and never worked in the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

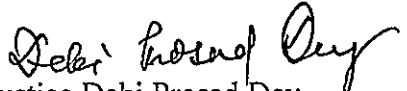

2. Shri Manish Gupta 02/08/2023
(Member)

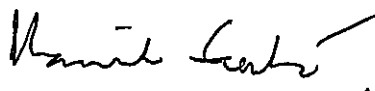

3. Shri Sripati Mukhopadhyay
(Member)


OBSERVATION

Saifuddin Khan, Assistant Teacher, History (H/PG) : The petitioner ^{had} have no requisite qualification on the date of his alleged appointment as Assistant Teacher, History (H/PG). There is no original Resolution Book which have been mentioned in the photocopy of the appointment letter of the petitioner. The Headmaster and Teacher-in-Charge successively did not grant any Work Done Certificate. There is no signature of the petitioner in the Attendance Register. The D.I. of Schools, Sujit Kumar Maity and Kutubuddin Paik, the Headmaster of Kuldia Mohanpur High Madrasah (H.S). South 24 Parganas have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment and the petitioner never worked in the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2022

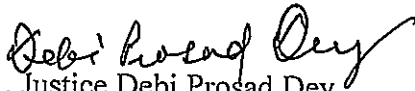

2. Shri Manish Gupta 02/08/2022
(Member)



3. Shri Sripati Mukhopadhyay
(Member) 02/08/2022

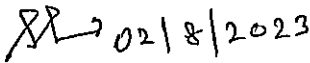
OBSERVATION

Md. Tarif Khan, Group – C (Clerk) : The petitioner could not produce any Work Done Certificate or original letter of appointment. We do not find any Resolution in the original Resolution Book as has been mentioned in the photocopy of appointment letter of the petitioner. The Headmaster, Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following Rules of Recruitment and he never worked in the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

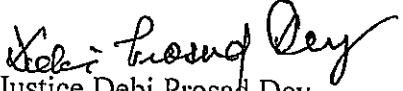

2. Shri Manish Gupta 02/08/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

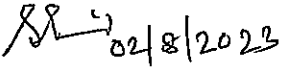
OBSERVATION

Md. Rabiul Huda, Assistant Teacher, History (H/PG) : The petitioner had no requisite qualification on the date of his alleged appointment as Assistant Teacher, History (H/PG). There is no Resolution in the original Resolution Book, which has been mentioned in the photocopy of the appointment letter of the petitioner. The Headmaster and Teacher-in-Charge successively did not grant any Work Done Certificate. There is no signature of the petitioner in the Attendance Register. The D.I. of Schools, Sujit Kumar Maity and Kutubuddin Paik, the Headmaster of Kuldia Mohanpur High Madrasah (H.S), South 24 Parganas have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment and the petitioner never worked in the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 04/08/2023

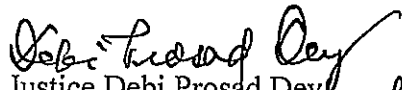

2. Shri Manish Gupta
(Member) 02/08/2023



3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

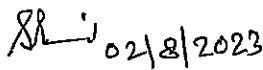
OBSERVATION

Md. Masiur Rahaman Khan, Group – D : The petitioner could not produce any Work Done Certificate or original letter of appointment. We do not find any Resolution in the original Resolution Book as has been mentioned in the photocopy of appointment letter of the petitioner. The Headmaster, Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following Rules of Recruitment and he never worked in the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.


1. Justice Debi Prasad Dey
(Chairman)

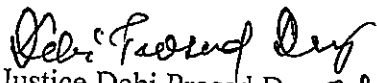

2. Shri Manish Gupta
(Member)

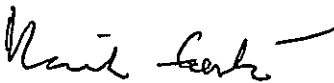

3. Shri Sripati Mukhopadhyay
(Member)

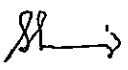
OBSERVATION

Md. Bahauddin Khan, Group – C (Clerk) : The petitioner could not produce any Work Done Certificate or original letter of appointment. We do not find any Resolution in the original Resolution Book as has been mentioned in the photocopy of appointment letter of the petitioner. The Headmaster, Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following Rules of Recruitment and he never worked in the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey 02/08/2023
(Chairman)

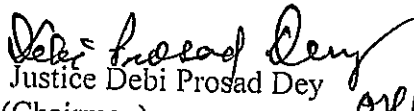

2. Shri Manish Gupta 02/08/2023
(Member)

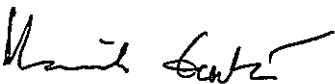

3. Shri Sripati Mukhopadhyay 02/8/2023
(Member)

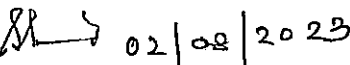
OBSERVATION

Md. Mushakali Mulla Khan, Assistant Teacher, History (Pass) : The petitioner had no requisite qualification on the date of his alleged appointment as Assistant Teacher, History (Pass). There is no Resolution in the original Resolution Book which has been mentioned in the photocopy of the appointment letter of the petitioner. The Headmaster and Teacher-in-Charge successively did not grant any Work Done Certificate. There is no signature of the petitioner in the Attendance Register. The D.I. of Schools, Sujit Kumar Maity and Kutubuddin Paik, the Headmaster of Kuldia Mohanpur High Madrasah (H.S), South 24 Parganas have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment and the petitioner never worked in the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman)

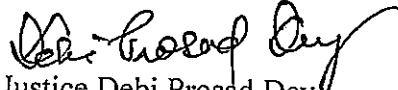

2. Shri Manish Gupta
(Member)

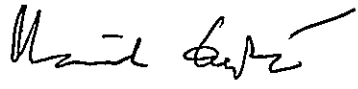

02/02/2023
3. Shri Sripati Mukhopadhyay
(Member)

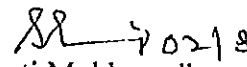
OBSERVATION

Imrana Yeasmin Mondal, Group - D : The petitioner could not produce any Work Done Certificate or original letter of appointment. We do not find any Resolution in the original Resolution Book as has been mentioned in the photocopy of appointment letter of the petitioner. The Headmaster, Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following Rules of Recruitment and she never worked in the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

Sk. Muktar Ahamed, Group - C (Clerk) :The petitioner could not produce any Work Done Certificate or original letter of appointment. We do not find any Resolution in the original Resolution Book as has been mentioned in the photocopy of appointment letter of the petitioner. The Headmaster, Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following Rules of Recruitment and he never worked in the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.

Debi Prosad Dey

1. Justice Debi Prosad Dey
(Chairman)

02/08/2023

Manish Gupta

2. Shri Manish Gupta
(Member)

02/08/2023

Sripati Mukhopadhyay

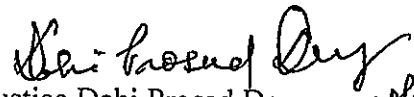
3. Shri Sripati Mukhopadhyay
(Member)

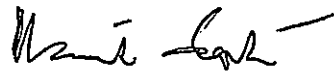
02/08/2023

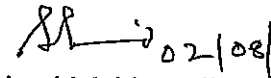
OBSERVATION

Md. Mujtaba Ali Khan, Group – D : The petitioner could not produce any Work Done Certificate or original letter of appointment. We do not find any Resolution in the original Resolution Book as has been mentioned in the photocopy of appointment letter of the petitioner. The Headmaster, Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following Rules of Recruitment and he never worked in the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey *02/08/2023*
(Chairman)

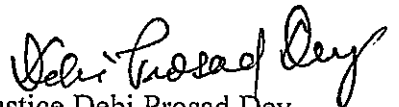

2. Shri Manish Gupta *02/08/2023*
(Member)

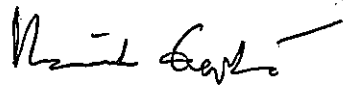

3. Shri Sripati Mukhopadhyay *02/08/2023*
(Member)

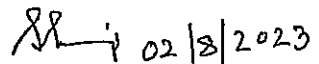
OBSERVATION

Sk. Azaharuddin, Group – D : The petitioner could not produce any Work Done Certificate or original letter of appointment. We do not find any Resolution in the original Resolution Book as has been mentioned in the photocopy of appointment letter of the petitioner. The Headmaster, Kutubuddin Paik and the D.I. of Schools, Sujit Kumar Maity have unequivocally stated that the petitioner was never recruited following Rules of Recruitment and he never worked in the Madrasah. We also do not find any signature of the petitioner in the official Attendance Register.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and he never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023



2. Shri Manish Gupta 02/08/2023
(Member)

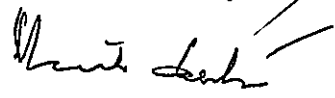

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

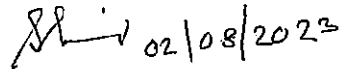
OBSERVATION

Rojina Khatun, Assistant Teacher, Bengali (Pass) : The petitioner had no requisite qualification on the date of her alleged appointment as Assistant Teacher, Bengali (Pass). There is no Resolution in the original Resolution Book which has been mentioned in the photocopy of the appointment letter of the petitioner. The Headmaster and Teacher-in-Charge successively did not grant any Work Done Certificate. There is no signature of the petitioner in the Attendance Register. The D.I. of Schools, Sujit Kumar Maity and Kutubuddin Paik, the Headmaster of Kuldia Mohanpur High Madrasah (H.S), South 24 Parganas have unequivocally stated that the petitioner was never recruited following the Rules of Recruitment and the petitioner never worked in the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

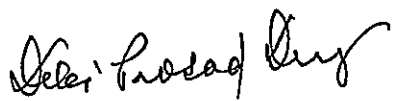

2. Shri Manish Gupta
(Member) 02/08/2023

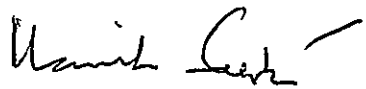

3. Shri Sripati Mukhopadhyay
(Member) 02/08/2023

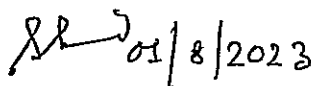
OBSERVATION

Maruk Karfi, Gr. 'D':-The petitioner, Maruk Karfi is claiming that he has been working as casual Group 'D' employee in Sammilani High Madrasah, Dist. Bankura since 2012 and in terms of order dated 17/05/2018, in Civil Appeal No. 5808/2017, he was appointed in the said Madrasah. The Headmaster of Sammilani High Madrasah issued work done certificate stating inter alia that Maruk Karfi was appointed in the Sammilani High Madrasah as a Group 'D' (Peon) category on 28/06/2018 and he has been working since 02/07/2018. A separate attendance register has been produced without having any signature of the Headmaster therein to show that Maruk Karfi has been attending the Madrasah. The Resolution dated 22/06/2018 reveals that the service of Maruk Karfi was made permanent under 10% Management Quota since Maruk Karfi has been working on voluntary basis since long. The Headmaster, however, categorically stated that Maruk Karfi was never recruited following the Rules of Recruitment being no. 486-MD/O/2M-11/2016 dated 03/03/2016 in the year 2018. The vacancy of Gr. 'D' employee was filled upon the basis of such resolution of the Managing Committee and no Selection Committee was ever formed in terms of the Rules of Recruitment with the knowledge of the District Inspector of Schools, Bankura to recruit Maruk Karfi. Mr. Pijus Kanti Bera, the D.I. of Schools, Bankura submitted a report stating *inter alia* that Maruk Karfi was never recruited following the Rules of Recruitment and no paper was sent to him by Sammilani High Madrasah Authority for approval of the service of Maruk Karfi.

We are of the considered opinion that Maruk Karfi has been working as Casual Gr. 'D' employee but, he was never recruited following the Rules of Recruitment by the Madrasah. The alleged letter of appointment also reveals that he was not recruited following the Rules of Recruitment.

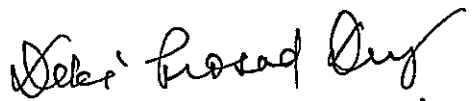
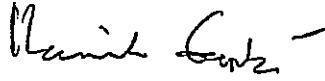
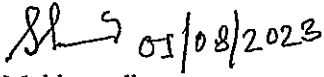

1) Justice Debi Prosad Dey
(Chairman) 08/08/2023


2) Shri Manish Gupta 07/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Nazrul Islam:- Admittedly, Nazrul Islam, the petitioner of Sahadiar High Madrasah, Murshidabad, was appointed as Asstt. Teacher, English (H/PG) purely on temporary basis. Unfortunately, Nazrul Islam could not produce his original educational testimonials for verification by the Committee. The Headmaster of the said Madrasah and the District Inspector of School, Murshidabad have unequivocally stated that Nazrul Islam was never recruited following the Rules of Recruitment being No. 93-SE/S/10R-14/2013 dated 09/02/2015. The documents namely, the copy of Resolution of the Managing Committee and the Attendance Register filed by the petitioner, Nazrul Islam are false and fabricated. We have gone through the original Resolution Book of the Managing Committee and did not find any such resolution by which Nazrul Islam, the petitioner was recruited following the Rules of Recruitment. There is no signature of Nazrul Islam in the Attendance Register of the Madrasah. No Work Done Certificate has been given by the Headmaster of the Madrasah. In fine, Nazrul Islam was never recruited following the Rules of Recruitment as Asstt. Teacher of Sahadiar High Madrasah, Murshidabad and he is not entitled to get any salary from the Government of West Bengal.

- 
1) Justice Debi Prosad Dey
(Chairman) 01/08/2023
- 
2) Shri Manish Gupta 01/08/2023
(Member)
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3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

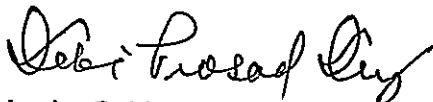
OBSERVATION


Zohorul Islam, Assistant Teacher, English (Pass):- The petitioner, Zohorul Islam, having no requisite qualification to be appointed as Assistant Teacher of English (Pass) of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur. He is claiming himself as Assistant Teacher on the basis of an imaginary Resolution of the Selection Committee of the Madrasah being No. SPL/01/K.N.K. Sr. M (Fazil)/2016 dated 09/02/2016 of the Managing Committee of the Madrasah.

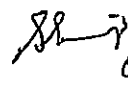
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. ~~But, he~~ had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The down loaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 03/08/2023

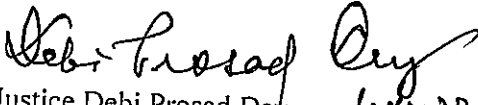
OBSERVATION

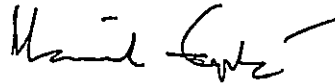
Abdul Wahed, Assistant Teacher, (UG):- On verification of the original Resolution Book of the Managing Committee, we do not find any Resolution dated 07/08/2018 vide Meeting no. 4/2018. On the strength of such Resolution, the petitioner is claiming that he was recruited as Assistant Teacher (Primary Section) of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur.

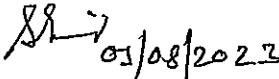
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. But, he had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The down loaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher (Primary Section) of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

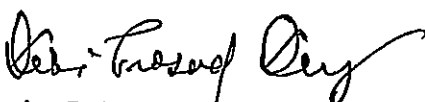
OBSERVATION

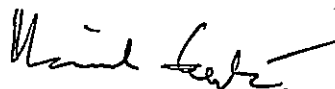
Abdul Wakil, Assistant Teacher, Arabic (H/PG):- On verification of the original Resolution Book of the Managing Committee, we do not find any Resolution dated 07/08/2018 vide Meeting no. 4/2018. On the strength of such Resolution, the petitioner is claiming that he was recruited as Assistant Teacher of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur.

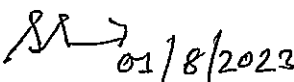
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. But, ~~he~~^{she} had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The down loaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 01/8/2023

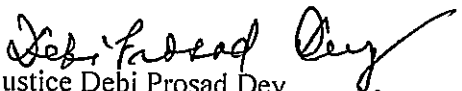
OBSERVATION


Md. Shamim Ashraf, Assistant Teacher, English (H/PG):- The petitioner, Md. Shamim Ashraf, is claiming to be appointed as Assistant Teacher of English (H/PG) of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur. He is claiming himself as Assistant Teacher on the basis of an imaginary Resolution of the Selection Committee of the Madrasah being No. SPL/01/K.N.K. Sr. M (Fazil)/2017 dated 06/02/2017 of the Managing Committee of the Madrasah.

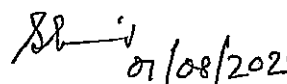
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. But, he had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The down loaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey
(Chairman) 01/08/2023


2) Shri Manish Gupta
(Member) 01/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 01/08/2023

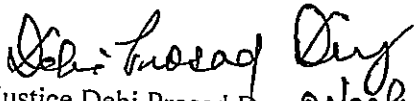
OBSERVATION

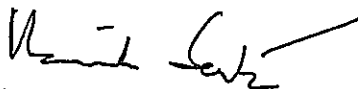
Md. Khurshid Alam, Assistant Teacher, Geography (Pass):- On verification of the original Resolution Book of the Managing Committee, we do not find any Resolution dated 07/08/2018 vide Meeting no. 4/2018. On the strength of such Resolution, the petitioner is claiming that he was recruited as Assistant Teacher of Kantirpa N.K. Sr. Madrasah, Uttar Dinajpur.

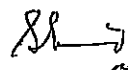
Abdul Malek, the Teacher-in-Charge of the Madrasah, has specifically stated that no Resolution was adopted by the Managing Committee of the Madrasah for recruitment of the petitioner. But, He had never seen the petitioner to attend the Madrasah to work as Assistant Teacher in the Madrasah. The Madrasah has been managed by the Administrator since December, 2020. As per the Teacher-in-Charge of the Madrasah, the claim of the petitioner as Assistant Teacher, is fabricated and false. The downloaded record of approved teachers of the Madrasah from Banglar Sikha Portal, does not reveal the name of the petitioner as Assistant Teacher of the Madrasah. The Work Done Certificate has not been granted by the Teacher-in-Charge/Headmaster of the Madrasah but, the same has been granted by the Secretary of the Managing Committee up to 27/02/2020. There is no signature of the petitioner in the official Attendance Register of the Madrasah.

The D.I. of Schools, Uttar Dinajpur, by filing a report, has specifically stated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Under the circumstances stated above, we are of the considered opinion that on the basis of an imaginary Resolution, the petitioner is claiming as Assistant Teacher of the Madrasah and he was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey 01/08/2023
(Chairman)

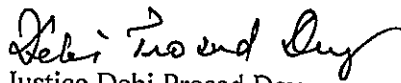

2) Shri Manish Gupta 01/08/2023
(Member)

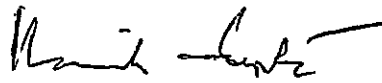

3) Shri Sripati Mukhopadhyay 01/08/2023
(Member)

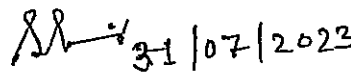
OBSERVATION

Farukuddin Ahamed, Assistant Teacher Bengali (H/PG) : The petitioner is claiming that he has been recruited as Assistant Teacher Bengali (H/PG) on 04.11.2015 on the strength of the Resolution dated 04.11.2015 vide Memo No. 13/15 adopted by the Managing Committee. The petitioner could not produce any Appointment Letter, Joining Report or Work Done Certificate, some photocopies of such documents have been produced. Secondly, the petitioner obtained 40% marks in his B.A. Examination and the petitioner had no B.Ed degree on the date of his alleged recruitment. It is apparent that the petitioner had no requisite qualification to be appointed as Assistant Teacher Bengali (H/PG). The Resolution Book also does not reveal that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were complied with at the time of recruitment of the petitioner. There is no signature of the petitioner in the official Attendance Register. The Headmaster also did not see the petitioner to work in any capacity in the Madrasah. The D.I. of Schools, 24 Parganas also corroborated such statement of Headmaster.

Under the circumstances stated above, we are of confident view that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023

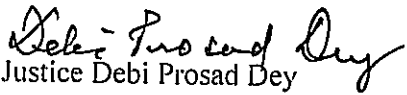

2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay
(Member)

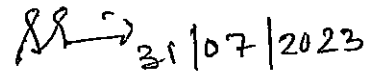
OBSERVATION

Sarifa Khanam, Assistant Teacher Math (Pass): The petitioner did not appear for verification of her educational testimonials, Appointment Letter, joining letter and did not even produce any Work Done Certificate. The Headmaster has stated that the petitioner is the daughter of the then Secretary of the Managing Committee, Md. Wahadul Islam. Headmaster further stated that the petitioner was never recruited following the Rules of Recruitment being Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner had no requisite qualification to be appointed as Assistant Teacher Math (Pass). We also do not find any Resolution in the official Resolution Book or the signature of the petitioner in the official Attendance Register so as to ascertain that she was recruited following the Rules of Recruitment. D.I of Schools, North 24 parganas also corroborated that she was never recruited following the Rules of Recruitment.

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 21/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

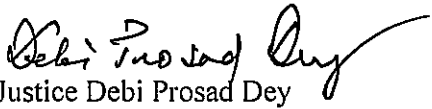
OBSERVATION

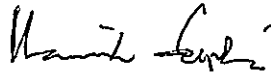
Nargis Parvin, Assistant Teacher History (Pass): The petitioner is claiming that she was recruited in terms of Resolution No. 313/15 dated 04.11.2015 and she has been working since 04.11.2015. The petitioner could not produce any Appointment Letter, joining report or any Work Done Certificate. In absence of any such document, it is next to impossible to hold that the petitioner was recruited following the Rules of Recruitment. She had no B.Ed degree on the date of her joining and she obtained 33.5 % marks in B.A.

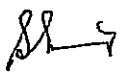
The petitioner had no requisite qualification on the date of her alleged appointment.

The Headmaster also did not find any Resolution in the official Resolution Book about the appointment of the petitioner and did not see the petitioner to work in the Madrasah in any capacity. The D.I. of Schools also corroborated such facts.

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

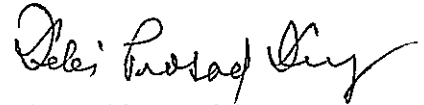
OBSERVATION

Syed Marufa Parveen, Assistant Teacher, Bengali (Pass):- The petitioner, Syed Marufa Parveen is claiming that she was recruited in terms of Special Meeting No. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee and as per the direction of the Hon'ble High Court in MAT No. 473/2014.

Sourav Maity, the Headmaster of Kumarpur High Madrasah, Purba Medinipur and Subhasis Mitra, the D.I. of Schools, Purba Medinipur, have unequivocally stated that there was no such resolution being Special Meeting no. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee, by which the petitioner was appointed and the claim of the petitioner is false and fabricated.

We do not find any such resolution in the Original Resolution Book of the Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

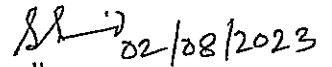
Under the circumstances stated above, we have no hesitation to say that the petitioner was never appointed following the Rules of recruitment as per Government Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah as Assistant Teacher.



1) Justice Debi Prosad Dey 02/08/2023
(Chairman)



2) Shri Manish Gupta 02/08/2023
(Member)



3) Shri Sripati Mukhopadhyay 02/08/2023
(Member)

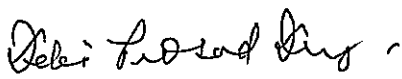
OBSERVATION


Syed Mahenur Ali, Group 'C' (Clerk):- The petitioner, Syed Mahenur Ali is claiming that on the strength of the Special Meeting No. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee and in terms of the direction of the Hon'ble High Court in MAT No. 473/2014, he was appointed as Clerk (Group 'C') employee of Kumarpur High Madrasah, Purba Medinipur.


The Headmaster of the Madrasah, Sourav Maity, by producing the original Resolution Book of the Madrasah and Mr. Subhasis Mitra, the D.I. of the Schools, Purba Medinipur, have unequivocally stated that there was no such resolution of the Managing Committee and the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

We do not find any resolution in the Original Resolution Book of the Managing Committee of the Madrasah to the effect that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. We also do not find the signature of the petitioner in the official attendance register of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never appointed following the Rules of recruitment as per Government Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah in any capacity.


1) Justice Debi Prosad Dey
(Chairman) 04/08/2023


2) Shri Manish Gupta
(Member) 04/08/2023


3) Shri Sripati Mukhopadhyay
(Member) 02/08/2023

OBSERVATION


Jiyasmin Khatun, Assistant Teacher, History (Pass):- The petitioner, Jiyasmin Khatun is claiming that she was recruited in terms of Special Meeting No. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee and as per the direction of the Hon'ble High Court in MAT No. 473/2014. The petitioner obtained 44.88% of marks in her B.A. examination and she had no B.Ed. degree on the date of her alleged appointment. She had no requisite qualification to be appointed as Assistant Teacher of the Madrasah.

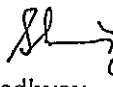
Sourav Maity, the Headmaster of Kumarpur High Madrasah, Purba Medinipur and Subhasis Mitra, the D.I. of Schools, Purba Medinipur, have unequivocally stated that there was no such resolution being Special Meeting no. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee, by which the petitioner was appointed and the claim of the petitioner is false and fabricated.

We do not find any such resolution in the Original Resolution Book of the Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never appointed following the Rules of recruitment as per Government Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey 02/08/2023
(Chairman)


2) Shri Manish Gupta 02/08/2023
(Member)


3) Shri Sripati Mukhopadhyay 02/08/2023
(Member)

OBSERVATION

Sk. Abdul Basir, Group 'D' :- The petitioner, Sk. Abdul Basir is claiming that on the strength of the Special Meeting No. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee and in terms of the direction of the Hon'ble High Court in MAT No. 473/2014, he was appointed as Group 'D' employee of Kumarpur High Madrasah, Purba Medinipur.

The Headmaster of the Madrasah, Sourav Maity, by producing the original Resolution Book of the Madrasah and Mr. Subhasis Mitra, the D.I. of the Schools, Purba Medinipur, have unequivocally stated that there was no such resolution of the Managing Committee and the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

We do not find any resolution in the Original Resolution Book of the Managing Committee of the Madrasah to the effect that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. We also do not find the signature of the petitioner in the official attendance register of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never appointed following the Rules of recruitment as per Government Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah in any capacity.

Debi Prosad Dey 24/05/2023

1) Justice Debi Prosad Dey
(Chairman)

Manish Gupta

2) Shri Manish Gupta
(Member)

02/05/2023

Sri Sripati Mukhopadhyay
02/08/2023

3) Shri Sripati Mukhopadhyay
(Member)

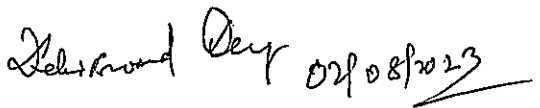
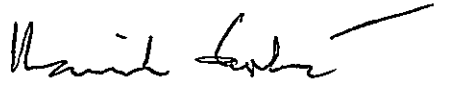
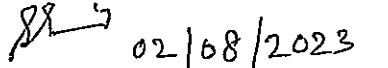
OBSERVATION

Md. Mosaraf Ali Khan, Group 'D' :- The petitioner, Md. Mosaraf Ali Khan is claiming that on the strength of the Special Meeting No. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee and in terms of the direction of the Hon'ble High Court in MAT No. 473/2014, he was appointed as Group 'D' employee of Kumarpur High Madrasah, Purba Medinipur.

The Headmaster of the Madrasah, Sourav Maity, by producing the original Resolution Book of the Madrasah and Mr. Subhasis Mitra, the D.I. of the Schools, Purba Medinipur, have unequivocally stated that there was no such resolution of the Managing Committee and the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015.

We do not find any resolution in the Original Resolution Book of the Managing Committee of the Madrasah to the effect that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015. We also do not find the signature of the petitioner in the official attendance register of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never appointed following the Rules of recruitment as per Government Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah in any capacity.

-  02/08/2023
- 1) Justice Debi Prosad Dey
(Chairman)
-  02/08/2023
- 2) Shri Manish Gupta
(Member)
-  02/08/2023
- 3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Mst. Ruksena Begam, Assistant Teacher, Bio Science (H/PG):- The petitioner, Mst. Ruksena Begam is claiming that she was recruited in terms of Special Meeting No. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee and as per the direction of the Hon'ble High Court in MAT No. 473/2014.

Sourav Maity, the Headmaster of Kumarpur High Madrasah, Purba Medinipur and Subhasis Mitra, the D.I. of Schools, Purba Medinipur, have unequivocally stated that there was no such resolution being Special Meeting no. 01/SPL/KHM/2015 dated 17/12/2015 of the Managing Committee, by which the petitioner was appointed and the claim of the petitioner is false and fabricated.

We do not find any such resolution in the Original Resolution Book of the Madrasah. We do not find the signature of the petitioner in the official attendance register of the Madrasah.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never appointed following the Rules of recruitment as per Government Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 and she never worked in the Madrasah as Assistant Teacher.

- Debi Prosad Dey* 02/08/2023
1) Justice Debi Prosad Dey
(Chairman)
- Manish Gupta* 02/08/2023
2) Shri Manish Gupta
(Member)
- Sripati Mukhopadhyay* 02/08/2023
3) Shri Sripati Mukhopadhyay
(Member)

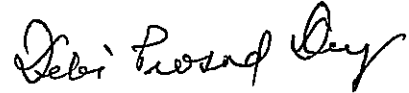
OBSERVATION

Ajoy Rakshit, Asstt. Teacher, Bengali (H/PG):- As per the appointment letter, the petitioner was appointed in terms of Special Meeting No. SPL/01/KHM/HS/2018 dated 10/03/2018 of the Managing Committee and he has been working in the Madrasah since 16/03/2018.

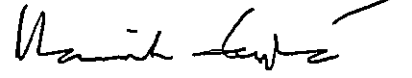
Except the letter of appointment, joining letter and the Work Done Certificate issued by the President of the Madrasah, the petitioner could not produce any Attendance Register or Resolution to show that he was validly recruited as Assistant Teacher of the Madrasah.

On careful consideration of the original Resolution Book, produced by the Headmaster of Khaskhamar High Madrasah, Howrah, we do not find any Resolution as has been mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster of Khaskhamar High Madrasah, has specifically stated that he never saw the petitioner to attend the Madrasah in any capacity and there is absolutely no Resolution in respect of the appointment of the petitioner. The ADI of Schools, Uluberia, also corroborated such statement of the Headmaster.

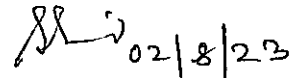
Under such circumstances stated above, we are of the considered view that the petitioner, Ajoy Rakshit was never recruited following the Rules of Recruitment as per Government Notification No. 486-MD O 2M-11 2016 dated 03/03/2016 and he never worked in the Madrasah as Assistant Teacher.



- 1) Justice Debi Prosad Dey
(Chairman) 02/08/2023



- 2) Shri Manish Gupta
(Member) 02/08/2023



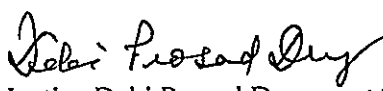

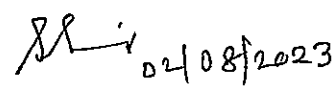
- 3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Faruk Gazi, Assistant Teacher, Bio Science (Pass):- As per the Photostat copy of the appointment letter, the petitioner, Faruk Gazi was appointed on the strength of Special Meeting no. SPL-01/HS/2016 dated 11/01/2016.

The Headmaster of the Khaskhamar High Madrasah, Nazrul Islam Mallick, never saw the petitioner to attend the Madrasah in any capacity and there is no Resolution adopted by the Managing Committee for initiation of recruitment of the petitioner. There is no such Resolution in the official Resolution Book as has been mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register of the Madrasah. On the basis of an imaginary Resolution, the petitioner is claiming himself to be an employee of the Madrasah. The Headmaster and the ADI, Basirhat have unequivocally stated that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 were never complied with in the alleged appointment of the petitioner and the petitioner never worked in the Madrasah.

Under such circumstances stated above, we are of the considered view that the petitioner, Faruk Gazi was never recruited following the Rules of Recruitment as per Government Notification No. 93-Se/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as Assistant Teacher.

- 
1) Justice Debi Prosad Dey 02/08/2023
(Chairman)
- 
2) Shri Manish Gupta 02/08/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay 02/08/2023
(Member)

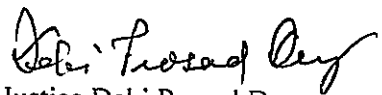
OBSERVATION


Biswajit Shaw, Asstt. Teacher, Math (H/PG):- As per the appointment letter, the petitioner was appointed in terms of Special Meeting No. SPL/01/KHM/HS/2018 dated 10/03/2018 of the Managing Committee and he has been working in the Madrasah since 16/03/2018.

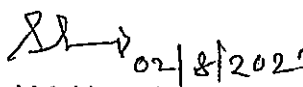
Except the letter of appointment, joining letter and the Work Done Certificate issued by the President of the Madrasah, the petitioner could not produce any Attendance Register or Resolution to show that he was validly recruited as Assistant Teacher of the Madrasah.

On careful consideration of the original Resolution Book, produced by the Headmaster of Khaskhamar High Madrasah, Howrah, we do not find any Resolution as has been mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Headmaster of Khaskhamar High Madrasah, has specifically stated that he never saw the petitioner to attend the Madrasah in any capacity and there is absolutely no Resolution in respect of the appointment of the petitioner. The ADI of Schools, Uluberia, also corroborated such statement of the Headmaster.

Under such circumstances stated above, we are of the considered view that the petitioner, Biswajit Shaw was never recruited following the Rules of Recruitment as per Government Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked in the Madrasah as Assistant Teacher.


1) Justice Debi Prosad Dey *02/08/2022*
(Chairman)


2) Shri Manish Gupta *02/08/2022*,
(Member)

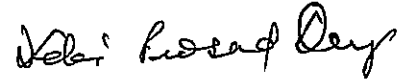

3) Shri Sripati Mukhopadhyay *02/8/2023*
(Member)

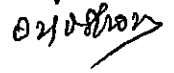
OBSERVATION

Mirzanur Hassan, Group-C:- As per the Photostat copy of the appointment letter, the petitioner, Mirzanur Hassan was appointed on the strength of Special Meeting no. SPL-01/HS/2016 dated 11/01/2016.

The Headmaster of the Khaskhamar High Madrasah, Nazrul Islam Mallick, never saw the petitioner to attend the Madrasah in any capacity and there is no Resolution adopted by the Managing Committee for initiation of recruitment of the petitioner. There is no such Resolution in the official Resolution Book as has been mentioned in the appointment letter of the petitioner. There is no signature of the petitioner in the official Attendance Register of the Madrasah. On the basis of an imaginary Resolution, the petitioner is claiming himself to be an employee of the Madrasah. The Headmaster and the ADI, Basirhat have unequivocally stated that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09/02/2015 were never complied with in the alleged appointment of the petitioner and the petitioner never worked in the Madrasah.

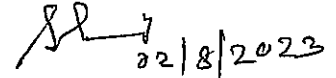
Under such circumstances stated above, we are of the considered view that the petitioner, Mirzanur Hassan was never recruited following the Rules of Recruitment as per Government Notification No. 93-Se/S/10R-14/2013 dated 09/02/2015 and he never worked in the Madrasah as group 'C' employee.



1) Justice Debi Prosad Dey 
(Chairman)



2) Shri Manish Gupta 
(Member)


22/8/2023

3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Azad Mondal, Group-D:- The petitioner, Azad Mondal is claiming himself that he was appointed as Group-D (Peon) of Jamia Islmia Girls High Madrasah, North 24 Parganas on 14/05/2016 in terms of the Meeting No. 02/SPL/2016 dated 14/05/2016 and he has been working in the Madrasah since 16/05/2016 as Group-D (Peon).

The Teacher-in-charge of the Madrasah, Nasima Khatun, has produced all necessary Resolution Book and the official Attendance Register of the Madrasah. The Teacher-in-charge, Nasima Khatun, has specifically admitted that no Resolution was adopted to initiate the recruitment process of the Madrasah and no permission was obtained to start the recruitment process or formation of any Selection Committee in respect of recruitment of the petitioner.

We do not find any such Resolution in the Resolution Book of the Managing Committee. However, a separate Resolution Book produced, containing only two Resolutions of 2016 in respect of the petitioner and the rest ^{of the} pages of such Resolution Book are blank. The ^{original official} Resolution Book prevails that various of the Resolutions of the year 2016 and other Resolution had been duly recorded. That clearly shown that the Resolution Book containing two Resolutions has been prepared subsequently to justify the appointment of the petitioner. There is no signature of the petitioner in the official Attendance Register maintained by the Madrasah.

The report of the ADI of School, Basirhat, prevails that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 have not been complied with.

Under the circumstances stated above, we are of the considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with in matter of appointment of the petitioner, Azad Mondal and he never worked in the Madrasah as legally recruited Group-D (Peon). The separate Attendance Register and the Work Done Certificate issued by the Teacher-in-charge, prevails that he has been working as Group-D (Peon) without being legally recruited in the Madrasah.

- Debi Prosad Dey*
1) Justice Debi Prosad Dey
(Chairman) 21/07/2023
- Manish Gupta*
2) Shri Manish Gupta
(Member) 21/07/2023
- Sri Sripati Mukhopadhyay*
3) Shri Sripati Mukhopadhyay
(Member) 28/07/2023

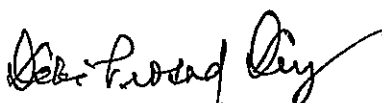
OBSERVATION

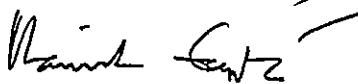
Priyanka Patra, Assistant Teacher (UG) : Except the letter of appointment, joining report (without any date and without any endorsement of Secretary) and Work Done Certificate (without any date), the petitioner could not produce any other documents to show that she was recruited following the Rules of Recruitment and that she has been working in the Madrasah since 14.06.2019.

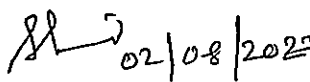
Admittedly, the petitioner had no requisite qualification on the date of her alleged appointment. As per the statement of Nuruddin Mondal, the Teacher-in-Charge of the Madrasah, the petitioner never worked in such Madrasah and never signed in the official Attendance Register. In fact, the Teacher-in-Charge was forced by one Parvez Ahmed Mallick, son of member of Zilla Parishad to sign on the Work Done Certificate. The original Resolution Book was never handed over to the Teacher-in-Charge for the period 2015 to 13.12.2019.

In such circumstances, the copy of Resolution or the copy of Attendance Register filed by the petitioner without any certificate of competent authority and without having the originals there of, cannot be considered. It is apparent that there is no signature of the petitioner in the official Attendance Register at least from 2020 till date.

Under the circumstances stated above, we have no hesitation to say that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the petitioner never worked as Assistant Teacher (UG) (having no requisite qualification).


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023

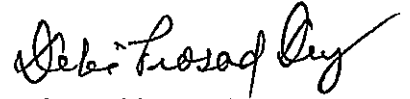

2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

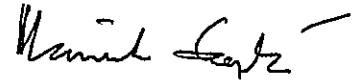
Reshma Parveen, Assistant Teacher, Bengali (H/PG) : The petitioner simply has filed her representation stating *inter alia* that she was recruited as Assistant Teacher, Bengali (H/PG) in Marui Beria Ainul Ulum Sr. Madrasah, South 24 Parganas. The petitioner did not file any papers in support of her claim. The petitioner also did not turn up in person despite receipt of successive notices for appearance. Nuruddin Mondal, the Teacher-in-Charge also asserted that she never worked in the Madrasah as Assistant Teacher, Bengali (H/PG).

In absence of any document, we are of considered view that she was never recruited following the Rules of Recruitment as per Govt. notification no. 486-MD/O/2M-11/2016 dated 03.03.2016 and she never worked in the Madrasah.



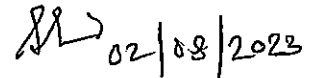
1. Justice Debi Prosad Dey
(Chairman)

02/08/2023



2. Shri Manish Gupta
(Member)

02/08/2023



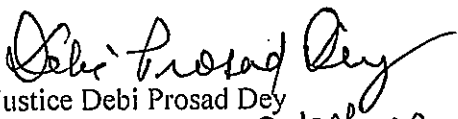
3. Shri Sripati Mukhopadhyay
(Member)

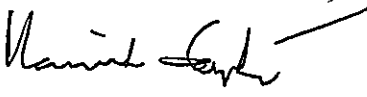
OBSERVATION

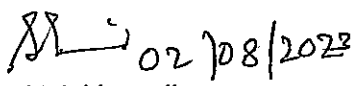
Sk. Md. Hedayetullah, Assistant Teacher History (Pass): Admittedly, the petitioner had no requisite qualification on the date of his alleged appointment. As per the statement of Nuruddin Mondal, the Teacher-in-Charge of the Madrasah, the petitioner never worked in such Madrasah and never signed in the official Attendance Register. In fact, the Teacher-in-Charge was forced by one Parvez Ahmed Mallick, son of member of Zilla Parishad to sign on the Work Done Certificate. The original Resolution Book was never handed over to the Teacher-in-Charge for the period 2015 to 13.12.2019.

In such circumstances, the copy of Resolution or the copy of Attendance Register filed by the petitioner without any certificate of competent authority and without having the originals there of, cannot be considered. It is apparent that there is no signature of the petitioner in the official Attendance Register at least from 2020 till date.

Under the circumstances stated above, we have no hesitation to say that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the petitioner never worked as Assistant Teacher, History (Pass) (having no requisite qualification).


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta 02/08/2023
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Asiruddin, Group-D :- The petitioner, Sk. Asiruddin is claiming that he was recruited under 10% Management Quota by the Managing Committee of the Madrasah on 26/11/2016.

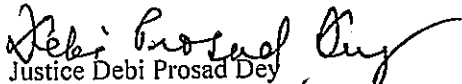
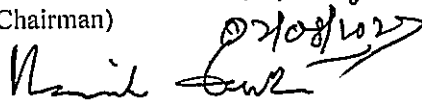
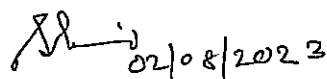
A Write Petition was filed before the Hon'ble High Court being No. 4818/2020, but, the said W.P. was dismissed in limine. An appeal was preferred before the Hon'ble High Court being FMA No. 915/2021 and the Hon'ble High Court referred the matter for consideration by this Committee.

The Resolution Book has been produced before this Committee. The Resolution dated 26/11/2016 reveals that Sk. Asiruddin has been working in that Madrasah as Casual Employee for past ten years and his case could be considered in near future, if the Managing Committee assumes the authority of giving appointment to the petitioner. In other words, the case of the petitioner could be given preference to, in case, any occasion arises for appointment of Group-D employee in near future. That clearly goes to show that no appointment was given to the petitioner on 26/11/2016.

The Teacher-in-Charge of the Madrasah, Md. Talib Mallick, issued Work Done Certificate in favour of the petitioner only under the impression that he has been working as casual employee and that's why, such Work Done Certificate was issued by him. The separate Attendance Register reveals that the petitioner has been signing in the Attendance Register as casual employee. It is evident from the statement of the Teacher-in-Charge, Md. Abu Talib Mallick, that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with for the alleged appointment of the petitioner.

The D.I. of Schools, Paschim Medinipur, Mr. Tapan Samanta, also corroborated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with in the alleged appointment of the petitioner, Sk. Asiruddin and his office had no information about alleged appointment of Sk. Asiruddin in the Madrasah.

Under the circumstances stated above, we are of the considered view that the petitioner, Sk. Asiruddin has been working as casual employee in the Madrasah. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with in matter of appointment of the petitioner, Sk. Asiruddin.

- 1) 
Justice Debi Prosad Dey
(Chairman) 02/08/2022
- 2) 
Shri Manish Gupta 02/08/2022
(Member)
- 3) 
Shri Sripati Mukhopadhyay 02/08/2022
(Member)

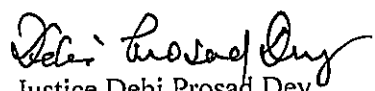
OBSERVATION


Anwar Sarkar, Assistant Teacher English (H/PG): The petitioner is claiming that in terms of Resolution of the Managing Committee dated 15.11.2019, he was recruited as Assistant Teacher of English (H/PG) on 19.12.2019 and he has been working in the Madrasah since 29.12.2019. The petitioner obtained 44.4 % marks in B.A. Examination. It is apparent that the petitioner had no requisite qualification on the date of his alleged appointment.

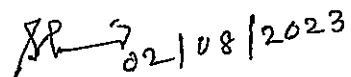
D.I. of Schools, Birbhum by filing a report has stated that no intimation was ever given to the Office of the D.I. of Schools recording such appointment of the petitioner. As per the statement of D.I. of Schools, Birbhum, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the alleged appointment of the petitioner.

The Headmaster, Badre Alam appeared on earlier occasion and admitted that the petitioner and others ^{are} ~~were~~ ^{recruited} alleged to have been recruited on the strength of Resolution dated 15.11.2019 were not recorded following the Rules of Recruitment as per Govt. Notification No.486-MD/O/2M-11/2016 dated 03.03.2016. Moreover, we also do not find any material in the Resolution Book produced by the Headmaster that the Rules of Recruitment being No. 486-MD/O/2M-11/2016 dated 03.03.2016 were complied with by the Madrasah authority. Lastly, the petitioner having no requisite qualification was illegally recruited without having any sanctioned vacancy in respect of any post of Assistant Teacher English (H/PG).

Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. Separate register coupled with the Work Done Certificate given by the Headmaster would not legalise the recruitment of the petitioner as valid and legal.


1. Justice Debi Prosad Dey
(Chairman) 02/08/2023


2. Shri Manish Gupta
(Member) 02/08/2023

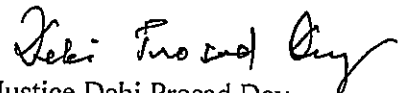

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Kazi Md. Yiasin, Assistant Teacher Bio Science (Pass): As per the petitioner, he was recruited as Assistant Teacher Bio Science (Pass) Metekona Moulana Abu Taher Senior Madrasah on 26.08.2019 and he joined Madrasah on 29.08.2019. He however resigned from the Madrasah on 24.08.2019.

The Teacher In-Charge of Metekona Moulana Abu Taher Senior Madrasah, stated that no Resolution was adopted for initiation of selection process of Kazi Md. Yiasin and he never granted any Work Done Certificate to Kazi Md. Yiasin. As per D.I of Schools, Birbhum, Kazi Md. Yiasin was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. Admittedly, the petitioner could not produce any document to show that he had joined on 26.08.2019 or that he resigned from the Madrasah on 24.08.2019. He could not produce any document to show that he ever worked in the Madrasah.

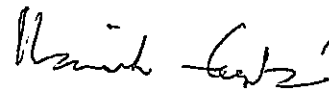
Considering the materials record as well as the document produced by the concerned party, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and in absence of any Work Done Certificate or any authentic Attendance Register maintained by the Madrasah, it may safely be stated that he never worked in the Madrasah.



1. Justice Debi Prosad Dey

(Chairman)

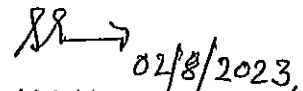
02/08/2023



2. Shri Manish Gupta

(Member)

02/08/2023



3. Shri Sripati Mukhopadhyay

(Member)