

## 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 <sup>of the</sup> pages of such Resolution Book are blank. The <sup>original official</sup> 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