

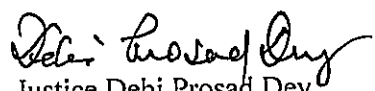
## OBSERVATION


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.

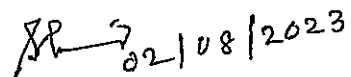
D.I. of Schools, Birbhum by filing a report has stated that no intimation was ever given to the Office of the D.I. of Schools recording such appointment of the petitioner. As per the statement of D.I. of Schools, Birbhum, the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 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 <sup>are</sup> ~~were~~ <sup>recruited</sup> 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)