

## 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.

*Debi Prosad Dey*

1. Justice Debi Prosad Dey

(Chairman)

*Manish Gupta*

2. Shri Manish Gupta

(Member)

*Sri Sripati Mukhopadhyay*

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

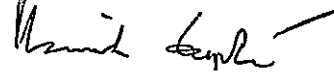
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of Assistant Teacher, Bengali (Pass) in the said Madrasah on the date of alleged appointment of the petitioner.

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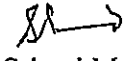
1. Justice Debi Prosad Dey

(Chairman)



2. Shri Manish Gupta 01/08/2023

(Member)

 01/8/2023

3. Shri Sripati Mukhopadhyay

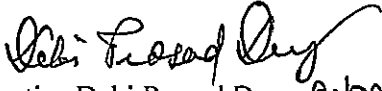
(Member)


## OBSERVATIONS

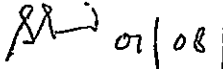
Mir Rahed, Assistant Teacher, Pure Science (Pass) : Admittedly, the petitioner obtained 43.25% marks in B.Sc. examination and had no B.Ed. degree on the date of his alleged recruitment. It is apparent that the petitioner had no requisite qualification on the date of his alleged recruitment. The Teacher-in-Charge 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)

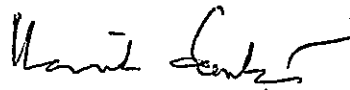
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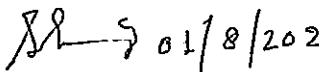
Aleya Khatun, Group – D : The petitioner is claiming that she was appointed as Group-D employee of the Madrasah on 18.01.2016 and she has been working since 20.01.2016. Admittedly, she did not appear in any written examination but the then Secretary directly issued appointment letter by perusing her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

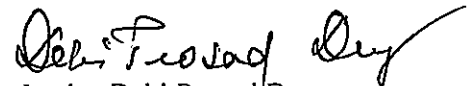
  
3. Shri Sripati Mukhopadhyay  
(Member)

## 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.



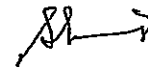
1. Justice Debi Prosad Dey  
(Chairman)

22/08/2023



2. Shri Manish Gupta  
(Member)

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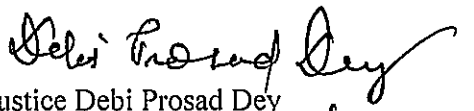
3. Shri Sripati Mukhopadhyay  
(Member)

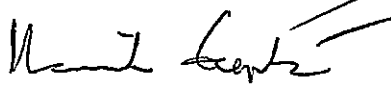
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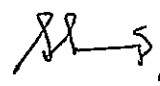
Sk. Abdul Mannan, Group – D : The petitioner is claiming that he was appointed in terms of Govt. Circular no. 343(20)/ME dated 11.12.2007 as Group – D (Lab Attendant) employee of the Madrasah on 30.11.2015 and has been working in that Madrasah since 01.12.2015. Admittedly, he did not appear in any written 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

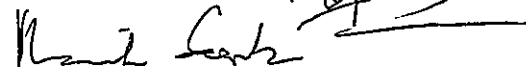
**Sk. Rabiul Rahaman, Group – D :** The petitioner is claiming that he was appointed in terms of Govt. Circular no. 343(20)/ME dated 11.12.2007 as Group – D (Lab Attendant) employee of the Madrasah on 30.11.2015 and has been working in that Madrasah since 01.12.2015. Admittedly, he did not appear in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

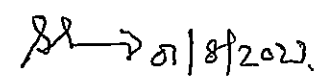
It is crystal clear from such statement and letter of appointment filed by the petitioner that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with at the time of the alleged appointment of the petitioner. There is nothing in the alleged 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)