

OBSERVATION

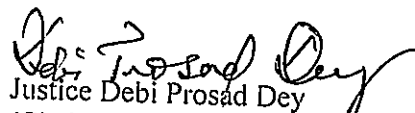
Mizanur Rahaman Molla, Assistant Teacher, Arabic (Pass) :- The petitioner, Mizanur Rahaman Molla is claiming that he was appointed on 20/12/2019 and joined in the Madrasah on 27/12/2019. The vacancy was published on 24/07/2019 in Local Daily and pursuant to that advertisement, he applied for the post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

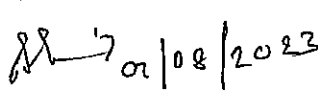
In view of the aforesaid decision, we find that such Resolutions have been randomly passed by the Secretary and the Superintendent without adhering to the direction given by the Hon'ble High Court in the management of the Madrasah in WP No. 12468 (W) of 2019. The Superintendent also could not produce 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.

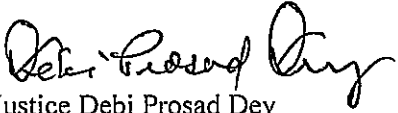
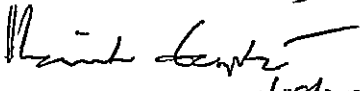
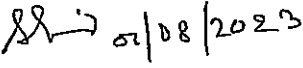
The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules 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 01/08/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay
(Member)

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.

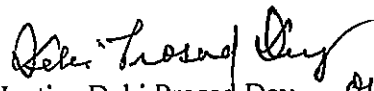
No document has been produced to justify that the Rules of Recruitment in terms of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were complied with. On the contrary, we find that the petitioner did not have requisite qualification to be appointed as Asstt. Teacher and the entire process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

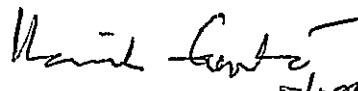
The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules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

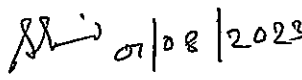
It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the 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.

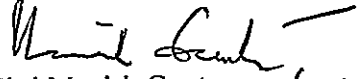
The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules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

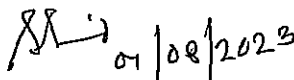
It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the 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.

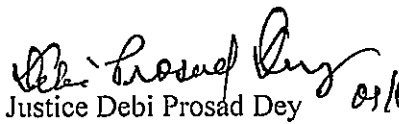
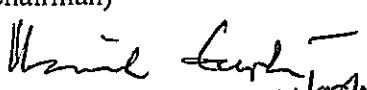
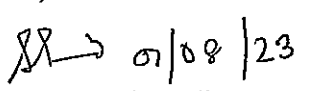
The Resolution dated 18/12/2019 produced by the petitioner, could not be compared with the original Resolution Book since neither the Secretary nor the Superintendent produced any such original Resolution Book for perusal of the Committee. The Superintendent, however, specifically stated that the Rules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

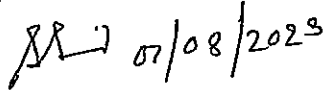
It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the 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.

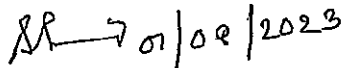
It is apparent that the meeting of the Managing Committee was held on 02/08/2019 for alleged recruitment of some teachers under the Presidentship of one Juloo Rahaman Mali. Though, on that date, as per the order of the Hon'ble High Court, there was no valid Managing Committee. Curiously enough, on the 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 Qudsiya 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.

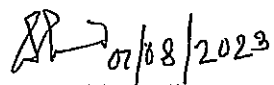
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The D.I. of Schools, South 24 Parganas also corroborated that the petitioner was never recruited following the Rules of Recruitment.

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)

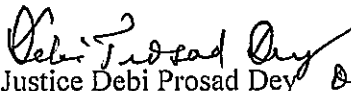
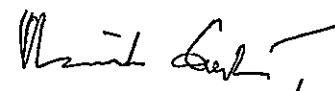
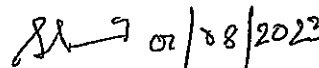
OBSERVATION

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)