

## OBSERVATION

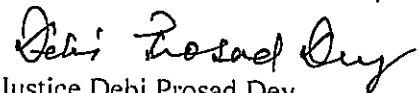
Nasima Bibi (Khatun), Assistant Teacher, English (Pass) : As per the Appointment Letter dated 26.12.2015 the petitioner was appointed in terms of the order passed by Hon'ble High Court in MAT No. 473/2016 and in terms of Resolution No. 11/15 of the Managing Committee dated 23.12.2015. The Appointment 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.

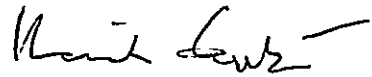
Admittedly, the petitioner obtained 42.58 % in aggregate in her B.A. examination and had no B.Ed degree on the date of her alleged appointment. That clearly goes to show that she had no requisite qualification to be appointed as Assistant Teacher English (pass) of the Madrasah. There is no signature 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.

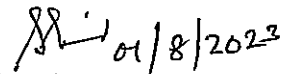
Considering the materials produced by the Petitioner, the Superintendent of the Madrasah and the D.I. of Schools, South 24 Parganas, we find that the petitioner had no requisite qualification to be appointed as Assistant Teacher English and the Rules of Recruitment being Govt. Notification No. 93-SE/S/10R-14/2013 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 <sup>has</sup> 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)

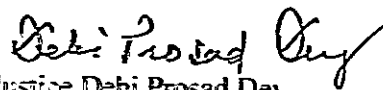
## OBSERVATION

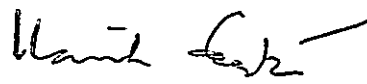
Sk. Manjur Ali, Assistant Teacher History (Pass): As per Appointment Letter dated 26.12.2015 the petitioner was appointed in terms of the order passed by Hon'ble High Court in MAT No. 473/2016 and in terms of Resolution No.11/15 of the Managing Committee dated 23.12.2015. The Appointment Letter itself 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.

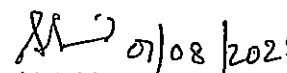
Admittedly, the petitioner obtained 42.88 % in aggregate in his B.A. examination and had no B.Ed degree on the date of his alleged appointment. That clearly goes to show that he had no requisite qualification to be appointed as Assistant Teacher History (pass) of the Madrasah. There is no signature of 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 <sup>has</sup> may been working in the Madrasah. 812

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

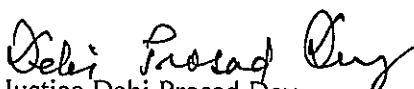
  
2. Shri Manish Gupta 01/08/2023  
(Member)

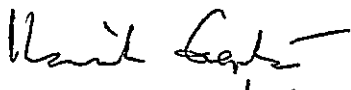
  
3. Shri Sripati Mukhopadhyay 01/08/2023  
(Member)

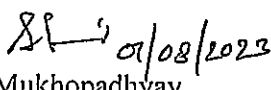
## OBSERVATION

Md. Obaidullah Raj, Assistant Teacher Arabic (Pass): The petitioner is claiming that he <sup>was</sup> 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

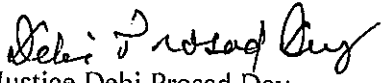
  
2. Shri Manish Gupta  
(Member) 07/08/2023


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


## OBSERVATION

Salma Sultana, Assistant Teacher Geography (Pass): The petitioner is claiming that she <sup>was</sup> 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

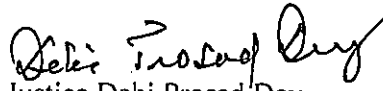
  
2. Shri Manish Gupta 01/08/2023  
(Member)

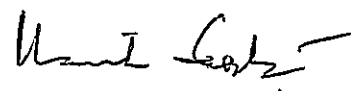
  
3. Shri Sripati Mukhopadhyay 01/08/2023  
(Member)


## OBSERVATION

Md. Samsur Rahman Mallick, Assistant Teacher Arabic (H/PG): The petitioner is claiming that <sup>was</sup> he has <sup>AL</sup> 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

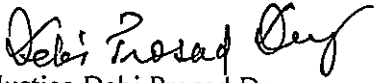
  
2. Shri Manish Gupta 01/08/2023  
(Member)

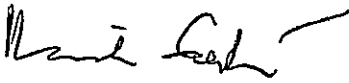
  
3. Shri Sripati Mukhopadhyay 01/08/2023  
(Member)

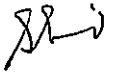
## OBSERVATION

Srikrishna Mondal, Assistant Teacher Bengali (Pass): The petitioner is claiming that he <sup>had</sup> been appointed on 14.11.2019 and the Letter of Appointment was issued by the Secretary of the Managing <sup>SR</sup> 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

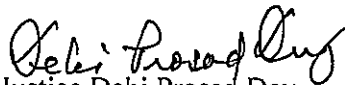
  
2. Shri Manish Gupta 01/08/2023  
(Member)

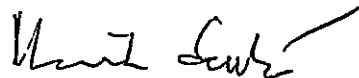
  
3. Shri Sripati Mukhopadhyay 01/08/2023  
(Member)


## OBSERVATION

Md. Omar Faruque Sardar, Assistant Teacher, Arabic (Pass): The petitioner is claiming that he <sup>was</sup> ~~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 <sup>01/08/2023</sup>  
(Chairman)

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

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

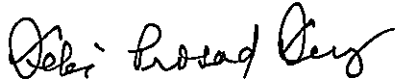
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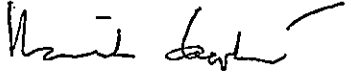
Sk. Sheikh Arif Mohammad, Assistant Teacher Pure Science (Pass): The petitioner had no requisite qualification to be appointed as Assistant Teacher Pure Science (Pass). The Rules of Recruitment being Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 does not provide any sort of relaxation in 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