

## OBSERVATION

Snehasis Giri, Assistant Teacher, Computer Science (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Computer Science (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and ~~she~~ <sup>he</sup> has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner having no requisite qualification claims to have been working since 01.03.2016. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc

29/05/2023

02/06/23

Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur.

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

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02/08/2014

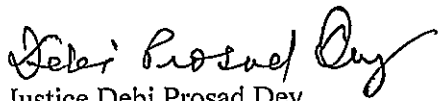
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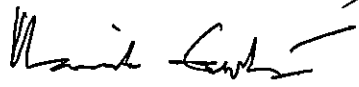
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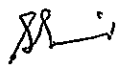
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 02/08/2023

  
2. Shri Manish Gupta 02/08/2023  
(Member)

  
3. Shri Sripati Mukhopadhyay 02/08/2023  
(Member)

## OBSERVATION

Goutam Panja, Assistant Teacher, Physics (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

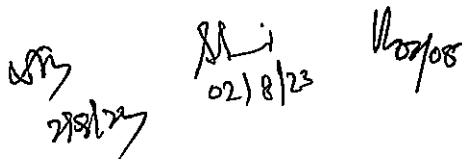
The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner and there was no recognition of the Madrasah concerned by the Board.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Physics (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner obtained B.Ed. degree in the year 2017 and that goes to show that he had no B.Ed. degree at the time of his alleged recruitment. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also does not justify the legality of recruitment since the Ad-hoc Managing Committee does not have the requisite power to recruit any Assistant Teacher. The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took

  
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permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matter of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

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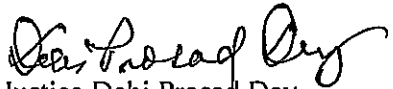
The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

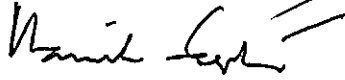
The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

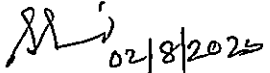
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 21/8/23

  
2. Shri Manish Gupta 02/8/2023  
(Member)

  
3. Shri Sripati Mukhopadhyay  
(Member)

## OBSERVATION

Rajkumar Bag, Assistant Teacher, ENVS (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Assistant Teacher, ENVS (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.02.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

The A.D.I. Contai as well as the D.I. of Schools, Purba Medinipur has stated by filing a report that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with in the alleged recruitment of the petitioner.

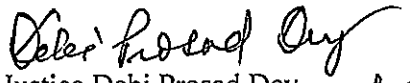
Under the circumstances stated above, it is apparent that the Madrasah had no valid sanction and had no validly constituted Managing Committee approved by Board, has recruited the Petitioner without complying with the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-

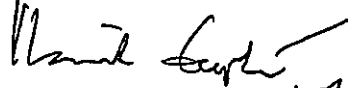
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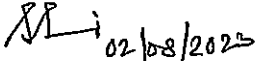
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14/2013 dated 09.02.2015. Therefore, the documents filed by the petitioner become redundant and do not have any legal value to establish that the petitioner was legally recruited by a validly constituted Managing Committee following the Rules of Recruitment.

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. 93-SE/S/10R-14/2013 dated 09.02.2015 and she never worked as legally recruited Assistant Teacher in the said Madrasah.

  
1. Justice Debi Prosad Dey  
(Chairman) 02/08/2023

  
2. Shri Manish Gupta  
(Member) 02/08/2023

  
3. Shri Sripati Mukhopadhyay  
(Member) 02/08/2023



## OBSERVATION

Anima Guria, Assistant Teacher, Bio-Science (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

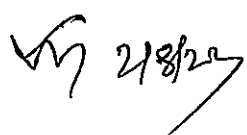
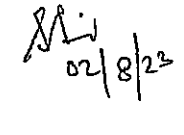
The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Bio-Science (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner had no requisite qualification and she obtained B.Ed. degree in the year 2022 and that goes to show that she had no B.Ed. degree at the time of his alleged recruitment. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such

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order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
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The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur.

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

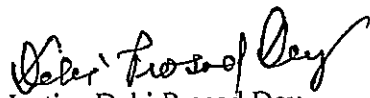
The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

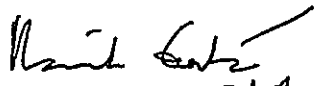
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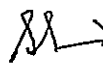
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 02/08/2023

  
2. Shri Manish Gupta 02/08/2023  
(Member)

  
3. Shri Sripati Mukhopadhyay  
(Member) 02/08/2023

## OBSERVATION

Sabyasachi Ghanti, Assistant Teacher, Sociology (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner and there was no recognition of the Madrasah concerned by the Board.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Sociology (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner has no requisite qualification and he passed B.Ed examination on 01.08.2016. He claims to have been working since 01.03.2016. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

21/8/23

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .



In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

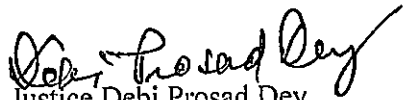
The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.


We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

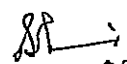
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

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Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 01/8/2025

  
2. Shri Manish Gupta 01/08/2025  
(Member)

  
3. Shri Sripati Mukhopadhyay 02/8/2025  
(Member)

## OBSERVATION

Yeasminara Khatun, Assistant Teacher, Philosophy (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Philosophy (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, Philosophy (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. ~~Rabbar~~ Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The

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documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the

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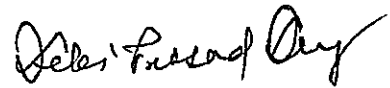


concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

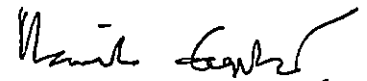
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



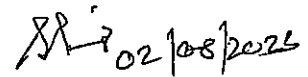
1. Justice Debi Prosad Dey  
(Chairman)

02/08/2023



2. Shri Manish Gupta  
(Member)

02/08/2023



3. Shri Sripati Mukhopadhyay  
(Member)

## OBSERVATION

**Mousumi Pahari, Assistant Teacher, History (H/PG)** : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

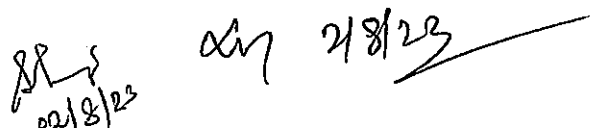
As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that she was appointed on 22.10.2015 as Assistant Teacher, History and she has been working since 02.11.2016. She had no B.Ed. degree on the date of her alleged joining in the service.

The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 15/16 dated 21.02.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah

  
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2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

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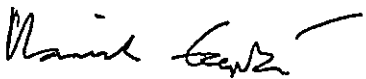
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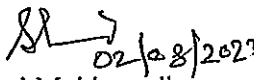
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There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey 02/08/2023  
(Chairman)

  
2. Shri Manish Gupta 02/08/2023  
(Member)

  
3. Shri Sripati Mukhopadhyay 02/08/2023  
(Member)

## OBSERVATION

Akash Das, Assistant Teacher, Pure Science (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that she was recruited on 16.12.2019 as Assistant Teacher, Pure Science (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 19.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 40/19 dated 12.12.2019 was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc

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Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

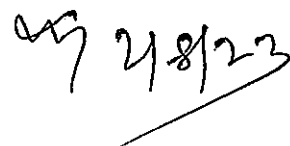
It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

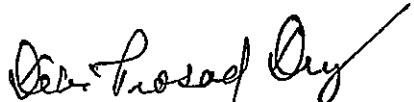


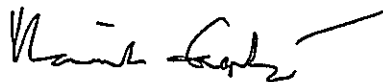
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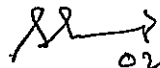
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of 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 and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 04/08/2023

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

  
3. Shri Sripati Mukhopadhyay 02/08/2023  
(Member)

## OBSERVATION

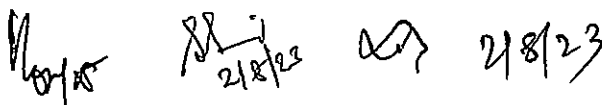
**Piyali Das, Assistant Teacher, Nutrition (H/PG) :** Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that she was recruited on 16.12.2019 as Assistant Teacher, Nutrition (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 19.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of

  
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the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc

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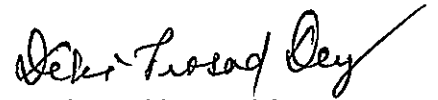
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Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

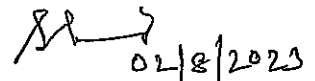
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey 21/8/2023  
(Chairman)



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



3. Shri Sripati Mukhopadhyay 02/8/2023  
(Member)

## OBSERVATION

Md. Abu Hassan, Assistant Teacher, Arabic (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Assistant Teacher, Arabic (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and ~~she~~ has been working there since 01.02.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner having requisite qualification claims to have been working since 01.02.2016. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 12/16 dated 10.01.2016 attested by Teacher-in-Charge also reveals ~~that~~ - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rehabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such ~~order~~ that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc

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Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.


The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

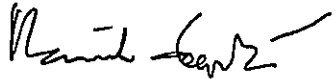
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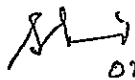
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 21/8/23

  
2. Shri Manish Gupta  
(Member) 02/08/2023

  
3. Shri Sripati Mukhopadhyay  
(Member) 02/08/2023

## OBSERVATION

**Muntahuj Jaman Shah, Assistant Teacher, Bengali (Pass)** : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.


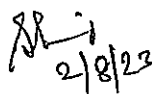
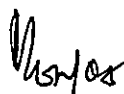
As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Assistant Teacher, Bengali (Pass) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.02.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner having no requisite qualification claims to have been working since 01.06.2018. The petitioner obtained 40.7% in his B.A. examination and obtained D.L.Ed. degree long after the date of his joining i.e. on 12.11.2018. Moreover, B.Ed. is the requisite qualification of an Assistant Teacher and D.L.Ed. degree is necessary for Primary & Upper-Primary Teachers. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The petitioner did not have D.L.Ed degree on the date of his joining and as such, the petitioner had no requisite qualification to be appointed as Assistant Teacher, Bengali (Pass).

The petitioner was given appointment in terms of Meeting No. 4/18 dated 27.05.2018 and it transpires from such Resolution itself that the Rules of Recruitment as per Govt. Notification No.

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486-MD/O/2M-11/2016 dated 03.03.2016 have never complied with by the Ad-hoc. Managing Committee.

The Resolution being sl.No. 4/18 dated 27.05.2018 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

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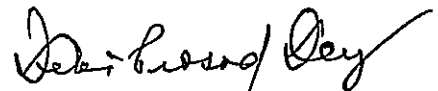
The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

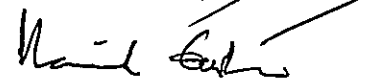
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of 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 and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

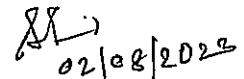
In the premises set forth above, we find no legality in the Work Done Certificate or in the attested copies of the Attendance Registers and thus the same may be ignored.



1. Justice Debi Prosad Dey  
(Chairman) 02/08/2022



2. Shri Manish Gupta 02/08/2022  
(Member)



3. Shri Sripati Mukhopadhyay  
(Member)



## OBSERVATION

Mujahid Ali Shah, Assistant Teacher, History (Pass) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 25.02.2016 as Assistant Teacher, History (Pass) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.03.2016. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution No. 15 dated 21.02.2016 was adopted by the Ad-hoc Managing Committee. Such Resolution has been attested by the Teacher-in-Charge.

The petitioner having no requisite qualification claims to have been working since 01.06.2018. Moreover, B.Ed. is the requisite qualification of an Assistant Teacher and D.L.Ed. degree is necessary for Primary & Upper-Primary Teachers. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The petitioner did not have D.L.Ed degree on the date of his joining and as such, the petitioner had no requisite qualification to be appointed as Assistant Teacher, History (Pass).

The petitioner was given appointment in terms of Meeting No. 4/18 dated 27.05.2018 and it appears from such Resolution itself that the Rules of Recruitment as per Govt. Notification No. 66-MDO 2M-11/2016 dated 03.03.2016 have never complied with by the Ad-hoc. Managing Committee.

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The Resolution being Sl. No. 4/18 dated 27.05.2018 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being W.P. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated

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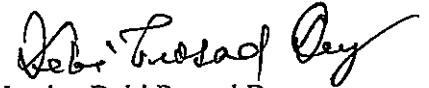
03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

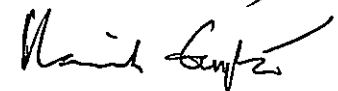
There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of 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 and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

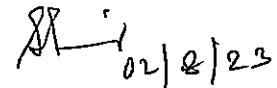
In the premises set forth above, we find no legality in the Work Done Certificate or in the attested copies of the Attendance Registers and thus the same may be ignored.



1. Justice Debi Prosad Dey  
(Chairman) 02/08/2017



2. Shri Manish Gupta  
(Member) 02/08/2017



3. Shri Sripati Mukhopadhyay  
(Member)

## OBSERVATION

Asfaque Hossain, Assistant Teacher, English (H/PG) : Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 22.06.2018 as Assistant Teacher, English (H/PG) of Gimageria Welfare High Madrasah, Purba Medinipur and she has been working there since 01.07.2018. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

The petitioner having no requisite qualification claims to have been working since 01.07.2018. The Letter of Appointment also reveals that the Resolution was adopted by the Ad-hoc Managing Committee.

The Resolution being sl.No. 06/18 dated 20.06.2018 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such

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order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

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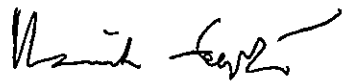
Mohammad Jafar

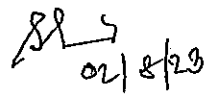
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of 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 and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 02/08/2023

  
2. Shri Manish Gupta  
(Member) 02/08/2023

  
3. Shri Sripati Mukhopadhyay  
(Member)

## OBSERVATIONS

Sk. Saifuddin, Group – D : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by it's order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Group - D of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.07.2018. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

Sk. Saifuddin 02/8/23 29/8/23

The Resolution being sl.No. 12/16 dated 10.01.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

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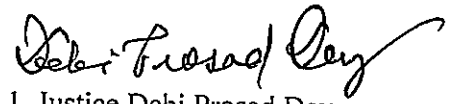


The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

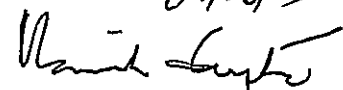
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

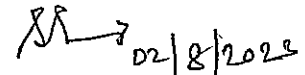
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey  
(Chairman) 02/08/2022



2. Shri Manish Gupta 02/08/2022  
(Member)



3. Shri Sripati Mukhopadhyay  
(Member)

## OBSERVATIONS

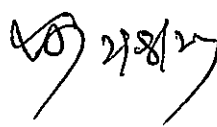
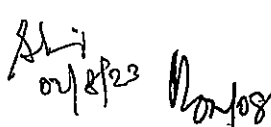
**Sk. Islam Uddin, Group – D** : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Group - D of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.07.2018. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

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The Resolution being Sl. No. 13/16 dated 17.01.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

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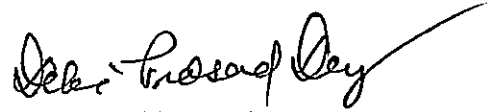
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The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

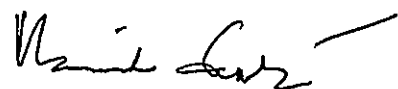
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

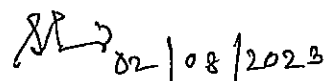
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey  
(Chairman) 02/08/2023



2. Shri Manish Gupta  
(Member) 02/08/2023



3. Shri Sripati Mukhopadhyay  
(Member)

## OBSERVATIONS

**Mojahedul Islam, Group – C (Clerk)** : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 16.12.2019 as Group – C (Clerk) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 23.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

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The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
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The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated

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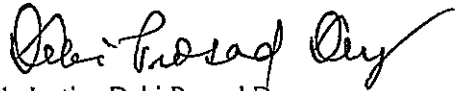
21/8/2023

03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

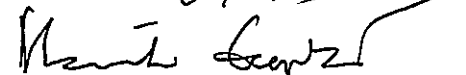
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

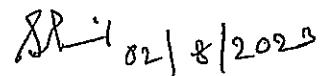
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey  
(Chairman) 02/08/2023



2. Shri Manish Gupta  
(Member) 02/08/2023



3. Shri Sripati Mukhopadhyay  
(Member)

## OBSERVATIONS

**Mahiul Islam, Group – C (Clerk)** : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by it's order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 20.01.2016 as Group – C (Clerk) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 01.07.2018. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

*[Signature]* 2/8/2023

*[Signature]*  
02/8/23

20/08/2023



The Resolution being sl.No. 13/16 dated 17.01.2016 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

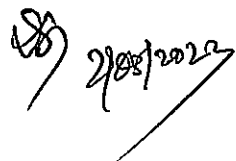
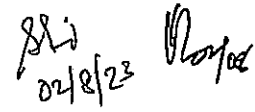
The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur.

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated

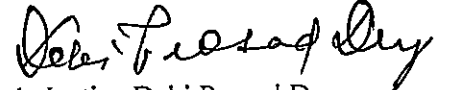
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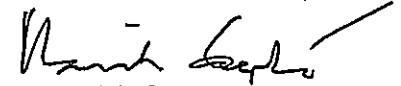
09.02.2015 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

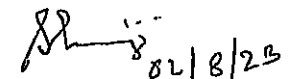
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 02/08/23

  
2. Shri Manish Gupta  
(Member) 02/08/23

  
3. Shri Sripati Mukhopadhyay  
(Member) 02/08/23

## OBSERVATIONS

Abdul Rakib Ali Shah, Group – D : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by its order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 16.12.2019 as Group – D of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 23.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

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The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

1. Founder member – Mr. Mojammel Ali Shah
2. Teacher-in-Charge - Mr. Ahmed Hossain Ali Shah.
3. Teachers' representative – Mr. Amanur Hossain.
4. Non-Teaching Representative – Mr. Rahabar Ali Shah.
5. One Government Nominee – Jharna Gathact, A.D.I., Contai Sub-Division, Purba Medinipur.

The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated

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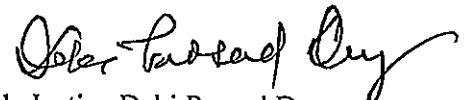
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03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

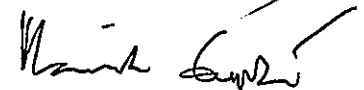
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

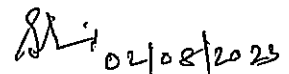
Under the circumstances stated above, we are of considered view that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.



1. Justice Debi Prosad Dey  
(Chairman) 02/08/2023



2. Shri Manish Gupta  
(Member) 02/08/2023



3. Shri Sripati Mukhopadhyay  
(Member)

## OBSERVATIONS

Sk. Imdadul Tulla, Group – D (Lab Attendant) : The claim of the petitioner is that the petitioner was appointed on 20.01.2016 and has been working in the Madrasah since 01.02.2016 on the strength of Resolution adopted by Ad-hoc Managing Committee being Meeting No. 12/16 dated 10.01.2016. It is apparent from Meeting No. 12/16 dated 10.01.2016 that the Ad-hoc Managing Committee did not comply with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Despite service of successive notices upon Headmaster/Teacher-in-Charge of Gimageria Welfare High Madrasah, Purba Medinipur, the concerned person did not turn up before the Committee to help the Committee in the process of verification as directed by the Hon'ble Supreme Court by it's order dated 02.02.2023 in contempt petition No. 352/2022. Instead, the Secretary has sent an email dated 29.05.2023 stating *inter alia* that the process of hearing adopted by the Committee has been challenged before the Hon'ble Supreme Court being case diary No. 17682-2023 for not supplying the copy of recording of submission of the Managing Committee/appointing authority of the Madrasah and accordingly sought for time for hearing after completion of the hearing of the above case diary No. 17682-2023 before the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, the mode and manner of verification process has to be decided by the Committee and such verification process has to be completed within a stipulated period. In that view of this matter, we can't allow such prayer of the Secretary.

The Teacher-in-Charge has sent some documents by post for perusal of the Committee.

As per report of West Bengal Board of Madrasah Education, there was no valid Managing Committee of the Madrasah on the date of alleged recruitment of the petitioner but the concerned Madrasah was duly recognized by the Board on the date of the alleged recruitment.

The petitioner is claiming that he was recruited on 16.12.2019 as Group – D (Lab Attendant) of Gimageria Welfare High Madrasah, Purba Medinipur and he has been working there since 23.12.2019. The vacancies were published in THE STATESMAN pursuant to the order passed by the Hon'ble High Court, Calcutta in MAT 473/2014 dated 25.08.2015. The Letter of Appointment reveals that the Resolution was adopted by the Ad-hoc Managing Committee. The report of West Bengal Board of Madrasah Education clearly reveals that there was no sanction of the concerned Madrasah from the Board on the date of alleged recruitment of the petitioner and there was no valid Managing Committee of the Madrasah on that date. Ad-hoc Managing Committee does not have the power to recruit Teachers.

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The Resolution being sl.No. 40/19 dated 12.12.2019 attested by Teacher-in-Charge also reveals that - Mr. Mojammel Ali Shah, Mr. Ahmed Hossain Ali Shah, Mr. Amanur Hossain, Mr. Rahabar Ali Shah had signed such Resolution on behalf of Ad-hoc Managing Committee. The documents filed by the Teacher-in-Charge contains the order dated 17.06.2014 passed by Hon'ble High Court in MAT No. 943 of 2014 & CAN 5475 of 2014. It is apparent from such order that the Hon'ble Division Bench of Hon'ble High Court Calcutta constituted an Ad-hoc Managing Committee with the following members for running the day-to-day administration of the said institution till the disposal of the appeal, with further direction that the Teacher-in-Charge to act as the Secretary of the said Ad-hoc Managing Committee :

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The appeal has been finally disposed of on 24.07.2014 directing the Trial Court to dispose of the Writ Application being WP. No. 13673 (W of 2014) keeping the order dated 17.06.2014 intact till disposal of such Writ (in matters of Ad-hoc arrangement of the Managing Committee).

It is crystal clear from such order of the Division Bench of Hon'ble High Court, Calcutta that the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur was constituted to run the day-to-day administration consisting of the aforesaid persons only and we find that the said persons have only signed on Resolution No. 15/16 dated 21.02.2016. That clearly goes to show that the Ad-hoc Managing Committee had no power to recruit any Teacher but the Ad-hoc Managing Committee was constituted to run the day-to-day administration of the Gimageria Welfare High Madrasah (H.S), Purba Medinipur .

In such circumstances, the process of initiation of recruitment, the recruitment of the petitioner, joining report before the Teacher-in-Charge, and all such process of recruitment are being hit by the order passed by the Hon'ble High Court in MAT No. 943 of 2014 dated 17.06.2014 and 24.07.2014 wherein the Ad-hoc Committee was mainly permitted to manage the day-to-day administration of the said institution.

The Ad-hoc Managing Committee, therefore, had no authority to recruit any Teacher in view of the circumstances stated hereinabove.

The report of the A.D.I., Contai as well as D.I. of Schools, Purba Medinipur clearly spells out that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated

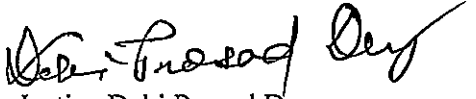
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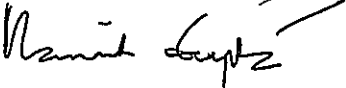
03.03.2016 were not complied with and the Ad-hoc Managing Committee of Gimageria Welfare High Madrasah, Purba Medinipur never took permission from the office of the A.D.I., Contai/D.I. of Schools, Purba Medinipur for any purpose in matters of recruitment and the concerned Managing Committee never complied with the aforesaid recruitment rules or the procedure of approval for appointment as per office records.

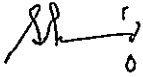
We are constrained to observe that the Ad-hoc Managing Committee, having no authority to recruit any Teacher, has recruited the petitioner and did not even point out that the Ad-hoc Committee was only constituted for running the day-to-day administration of the Madrasah. Therefore, the entire process of recruitment of the petitioner becomes illegal, without jurisdiction and contrary to the order of the Hon'ble Division Bench passed in MAT No. 943 of 2014.

There was no valid Managing Committee on the date of alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with. The Ad-hoc Managing Committee had not authority to recruit the petitioner.

Under the circumstances stated above, we are of 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 and the Ad-hoc Managing Committee having no legal authority to recruit the petitioner, has illegally recruited the petitioner and thereby the Work Done Certificate or the attested copy of the Attendance Register have become redundant.

  
1. Justice Debi Prosad Dey  
(Chairman) 02/08/2023

  
2. Shri Manish Gupta  
(Member) 02/08/2023

  
3. Shri Sripati Mukhopadhyay  
(Member) 02/08/2023