

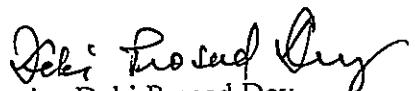
OBSERVATION

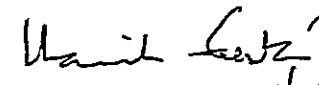
Papu Ali Saha, Assistant Teacher, Pure Science (Pass) : The petitioner is claiming that in terms of Meeting No. 04/1 APP-2019 dated 02.12.2019, he was appointed as Assistant Teacher in the vacancy of Pure Science (Pass) on 04.12.2019 and since then he has been working as Assistant Teacher. A photostat copy of Resolution dated 02.12.2019 has been filed along with the photostat copy of Sunday's Statesman, Kolkata publication dated 30.06.2019. The specific claim of the petitioner is that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

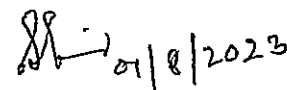
The Teacher In-charge of Mandarpur High Madrasah did not appear despite issuance of successive notices. The Teacher In-charge being custodian of original Resolution Book and the Attendance Registers of the Madrasah did not produce the said documents to verify the copy of Resolution filed by the Petitioner. Moreover, even if, we consider the copy of Resolution produced by the Petitioner, in that event also, it cannot be said that Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were complied with.

Subhasish Mitra, A.D.I., Contai has specifically stated that the aforesaid person was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. There is nothing in the Resolution produced by the petitioner to show that due intimation was given to the A.D.I. of Schools, at least three months prior to such recruitment in order to comply with the provision of Section 4 of the West Bengal Schools (Control & Expenditure) Act, 2005. Non appearance of the Teacher In-charge prevents the committee from verifying the attendance of the petitioner from the official Attendance Register and about the mode and manner of recruitment of the petitioner from the original Resolution Book of the Managing Committee. The work done certificate produced by the petitioner become useless and could not be verified since the original Attendance Register of the Madrasah has not been produced by the Teacher In-charge.

Under the circumstances stated above, we are of considered opinion that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.


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

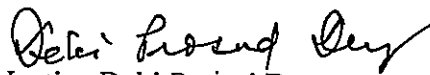

2. Shri Manish Gupta
(Member) 01/08/2023



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

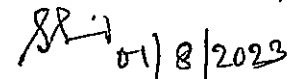
OBSERVATION

Md. Sujauddin Halder, Assistant Teacher Arabic (Pass): The petitioner obtained 45.33% marks in his B.A. (Hons.) examination. As per his claim, in terms of Meeting No. 04/F/2019 dated 02.12.2019, he was appointed as Assistant Teacher Arabic (Pass) on 04.12.2019 and he was working there since 10.12.2019. He came to know about the vacancy through advertisement published in Bengali newspaper Pratidin on 30.06.2019 and thereafter appeared in written examination. The petitioner has also filed the photostat copy of the Sunday's Statesman, Kolkata dated 30.06.2019 to show that the vacancy was duly published in paper. Some photo copies of the Resolutions adopted by the Managing Committee have also been filed. The Teacher-in-charge do not file original Resolution Book of the Madrasah and the Attendance Registers of the Madrasah. In absence of the original documents, Resolution Book and the Attendance Register, we are unable to accept that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The original Attendance Register have not been filed to show that the petitioner had been attending Madrasah since the date of his alleged joining in Madrasah. Subhasish Mitra, A.D.I., Contai has also stated by filing a report that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, we are of the considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never attended the Madrasah since 10.12.2019 (due to non-production of original Attendance Register for verification).


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


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


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Munmun Das, Assistant Teacher History (Pass) : The petitioner is claiming that in terms of Meeting No. 04/1 APP-2019 dated 02.12.2019, she was appointed as Assistant Teacher in the vacancy of Assistant Teacher History (Pass) on 04.12.2019 and since then she has been working as Assistant Teacher. A photostat copy of Resolution dated 02.12.2019 has been filed along with the photostat copy of Sunday's Statesman, Kolkata publication dated 30.06.2019. The specific claim of the petitioner is that the petitioner was recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

The Teacher-in-charge of Mandarpur High Madrasah did not appear despite issuance of successive notices. The Teacher-in-charge being custodian of original Resolution Book and the Attendance Registers of the Madrasah did not produce the said documents to verify the copy of Resolution filed by the petitioner. Moreover, even if, we consider the copy of Resolution produced by the petitioner, in that event also, it cannot be said that Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were complied with.

Subhasish Mitra, A.D.I., Contai has specifically stated that the aforesaid person was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. There is nothing in the Resolution produced by the petitioner to show that due intimation was given to the ADI of Schools, at least three months prior to such recruitment in order to comply with the provision of Section 4 of the West Bengal Schools (Control & Expenditure) Act, 2005. Non appearance of the Teacher-in-charge prevents the committee from verifying the attendance of the petitioner from the official Attendance Register and about the mode and manner of recruitment of the petitioner from the original Resolution Book of the Managing Committee. The Work Done Certificate produced by the petitioner become useless and could not be verified since the original Attendance Register of the Madrasah has not been produced by the Teacher-in-charge.

Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.

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

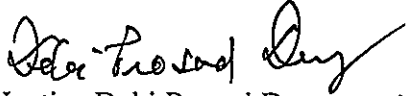
Manish Gupta
2. Shri Manish Gupta *01/08/2023*
(Member)

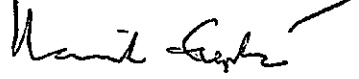
Shri Sripati Mukhopadhyay
3. Shri Sripati Mukhopadhyay
(Member)

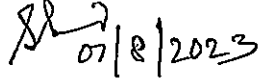
OBSERVATION

Saleha Khtun, Assistant Teacher Bengali (Pass): The petitioner is claiming that as per decision of the Managing Committee dated 16.09.2015 in terms of Meeting No. 01/End/APP she was recruited as Assistant Teacher of Bengali on 02.12.2015 and she has been attending the Madrasah on 10.12.2015. The petitioner has also filed photostat copy of the Resolution, appointment letter, joining report and Work Done Certificate. On scrutiny it transpires that the petitioner has had no requisite qualification to be appointed as Assistant Teacher. In absence of original documents and the Resolution of the Managing Committee, the photostat copies filed by the petitioner could not be verified with the originals. The Teacher-in-charge also did not appear with original Resolution of the Managing Committee and the Attendance Register. In absence of such documents, we are unable to scrutinize the claim of the petitioner and we cannot say that the petitioner had been attending Madrasah as a legally recruited teacher on 10.12.2019. More so, the Additional District Inspector of Schools, Contai, Subhasish Mitra has categorically stated that no intimation was given to the D.I./A.D.I. of Schools at the time of alleged recruitment and the petitioner was never recruited according to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/19R-14/2013 dated 09.02.2015. *The Petitioner had no requisite qualification to be appointed as Ass. teacher. ✓*

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 93-SE/S/19R-14/2013 dated 09.02.2015 and the petitioner never attended the Madrasah since 10.12.2019.


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

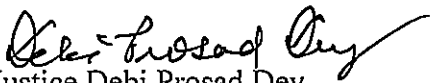

2. Shri Manish Gupta *07/08/2023*
(Member)



3. Shri Sripati Mukhopadhyay *07/08/2023*
(Member)

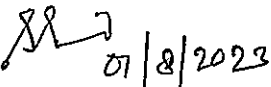
OBSERVATION

Roshnara Bibi , Group-D: The petitioner is claiming that she was appointed on compassionate ground as per Meeting No. 3/F/2019 dated 23.08.2019 by the Managing Committee following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The A.D.I., Contai has further clearly stated that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The petitioner on the other hand is claiming that she was Group-D employee in the Madrasah and after demise of her father in 2013, she was inducted as Group-D employee on compassionate ground. No Resolution or any document to that affect has been produced by the petitioner to show that she was inducted on compassionate ground. The paper publication of the Sunday's Statesman dated 30.06.2019 does not reveal any vacancy of Group-D employee. In absence of original Resolution Book, Attendance Register of the Madrasah and connected original documents (in terms of the claim of the petitioner) we could not find sufficient materials to hold that the petitioner was either recruited on compassionate ground or recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. We also do not find any document in absence of original Attendance Register to hold that the petitioner has been working since 03.10.2019.

Under the circumstances stated above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.


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


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


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