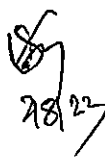


OBSERVATION

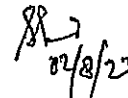
Suraiya Zamil, Assistant Teacher, Pure Science (Pass) : The petitioner is claiming that she being recruited on the strength of letter of appointment dated 26.08.2019. She has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, 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 Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legalize her appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.


28/23


02/08

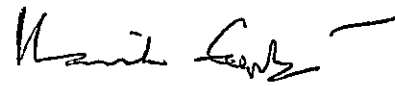

02/08/23

The D.I. of Schools also corroborated 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. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

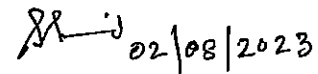
Under the circumstances stated above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.



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



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

 02/08/2023


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

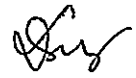
Dr. Rozina Khatun, Assistant Teacher, History (Pass) : The petitioner is claiming that she being recruited on the strength of letter of appointment dated 26.08.2019. She has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, 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 Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD O 2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legalize her appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

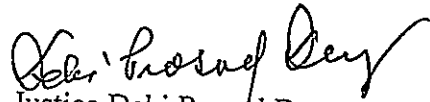

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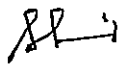

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The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

Under the circumstances stated above, we are of the considered opinion 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 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


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

Safiur Rahman, Assistant Teacher, Arabic (Pass) : The petitioner is claiming that he being recruited on the strength of letter of appointment dated 26.08.2019. He has been working in that Madrasah on and from 29.08.2019. The petitioner came to know about the vacancy from the advertisement published in the newspapers namely, INDIAN EXPRESS & EKDIN and thereafter appeared for the written test. The petitioner came to know about such advertisement in the newspaper on 07.08.2019. Since December, 2020, the petitioner has been signing on the official Attendance Register being permitted to sign on the same by the Teacher-in-Charge. However, as per report of the D.I. of Schools, 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 Managing Committee violated clause 5 by not intimating the D.I. of Schools about the process of recruitment. We have gone through the Resolutions of the Managing Committee. It is evident that the vacancies were duly published in the said newspapers on 03.07.2018 pursuant to the decision of the Managing Committee and the examination was scheduled to be held on 24.12.2018. Admittedly, no examination was conducted on 24.12.2018. There is no whisper in the Resolution of the Managing Committee as to when such written examination was actually conducted. It is evident from the statement of Badrul Alam, the Teacher-in-Charge that the life of the Managing Committee came to an end on and from 01.03.2019. In W.P. No. 3528 (W) of 2019 the Hon'ble High Court on 25.02.2019 passed the following order "Needless to mention that the said Committee will not take any decision with regard to any policy matter or any important matter and will only run the school on day to day basis".

Therefore, there was no existence of the Managing Committee, duly sanctioned by the West Bengal Board of Madrasah Education and the Hon'ble High Court has also not permitted the Managing Committee to take any decision with regard to any policy matter or any important matter.

In that view of this matter, the Resolution of the Managing Committee dated 25.06.2018, 27.08.2018 cannot be given effect to and such decision of the previous Managing Committee lapsed on and from 01.03.2019 i.e. from the date of expiration of the life of Managing Committee. Unfortunately, the Managing Committee started functioning and started the operation of recruitment of the petitioner and others ignoring the direction of the Hon'ble High Court and ignoring the fact that the life of Managing Committee has come to an end on and from 01.03.2019. The activities of the Managing Committee in matters of recruitment after 01.03.2019 are all illegal and contrary to the Rules of Recruitment as contemplated in Govt. Notification No. 486-MD O 2M-11/2016 dated 03.03.2016. The Teacher-in-Charge intentionally and with an oblique motive permitted the petitioner to sign in the Attendance Register since December, 2020 in a desperate move to legalize his appointment. Prior to that, there was no signature of the petitioner in the official Attendance Register.

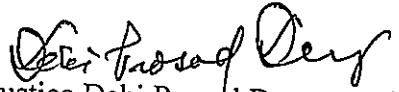
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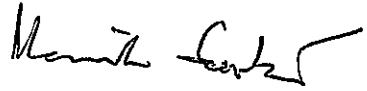
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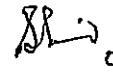
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The D.I. of Schools also corroborated that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Resolutions adopted by the Managing Committee dated 15.07.2019, 19.07.2019, 16.08.2019 have had no legality in the eye of law.

Under the circumstances stated above, we are of the considered opinion 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 and the petitioner never worked in the Madrasah as Legally Recruited Teacher.


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


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


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