

OBSERVATION

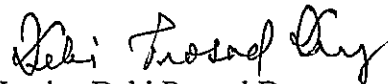
Miarul Hoque, Assistant Teacher, Arabic (H/PG) : As per the statement of the petitioner, he was appointed on 04.01.2016 and he has been working in that Madrasah on and from 07.01.2016, without having any requisite qualification (having no B. Ed. degree on the date of his alleged appointment).

As per N.C.T.E. Rules, Assistant Teachers must possess 50% in B.A./M.A. in aggregate and B.Ed. degree for being eligible to be recruited as Assistant Teacher.

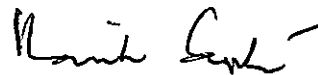
The petitioner himself admitted that his appointment was purely temporary and after two years, his appointment was confirmed at a salary of Rs.2,000/- per month. The Resolution mentioned in the alleged confirmation of appointment letter of the petitioner dated 13.01.2018 does not find place in the original Resolution Book produced by the Teacher-in-Charge of the Madrasah. Teacher-in-Charge, Anwarul Haque has admitted that following the Rules of the Managing Committee, the petitioner was recruited but it is evident from the evidence that the Managing Committee did not follow the Recruitment Rules as prevalent at that point of time for Recruitment of a Teacher. No intimation was given to the D.I. of Schools in terms of Recruitment Rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The impact of such information has been culled out from sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. It is incumbent upon the School Authority/Madrasah Authority to intimate D.I. of Schools at least three months prior to the occurrence of such vacancy, since filing up of such vacancy is likely to cause financial liability of the state and that's why the mandate of sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005 has to be complied with. Curiously enough, the Teacher-in-Charge has produced some Attendance Registers bearing only the signature of the petitioners. It is apparent from the Attendance Registers of the approved teachers maintained by the Madrasah that there is no signature of the petitioner in such Attendance Registers. The Attendance Registers, claimed to be the Attendance Register of non-approved teachers like the petitioner,

produced by the Teacher-in-Charge also does not bear the signature of the Teacher-in-Charge.

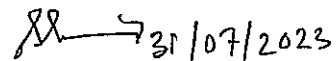
In the premises set forth above, we are of the considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The Attendance Registers produced by the Teacher-in-Charge and the Work Done Certificate cannot be accepted on the ground that she 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 signed in the official Attendance Register maintained by the Madrasah. The separate Attendance Register for non-approved teachers produced by the Teacher-in-Charge does not bear the signature of the Teacher-in-Charge or any other competent Authority of the Madrasah to be accepted as a valid document.



1. Justice Debi Prosad Dey
(Chairman) 31/07/2023



2. Shri Manish Gupta 31/07/2023
(Member)



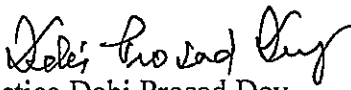
3. Shri Sripati Mukhopadhyay
(Member)

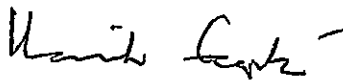
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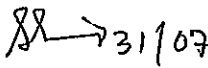
Dipannita Mandal, Assistant Teacher, Physical Education (Pass) : As per the statement of the petitioner, she was appointed on 04.01.2016 and she has been working in that Madrasah on and from 08.01.2016. The petitioner herself admitted that her appointment was purely temporary and after two years, her appointment was confirmed at a salary of Rs.2,000/- per month. The Resolution mentioned in the alleged confirmation of appointment letter of the petitioner dated 13.01.2018 does not find place in the original Resolution Book produced by the Teacher-in-Charge of the Madrasah. Teacher-in-Charge, Anwarul Haque has admitted that following the Rules of the Managing Committee, the petitioner was recruited but it is evident from the evidence that the Managing Committee did not follow the Recruitment Rules as prevalent at that point of time for Recruitment of a teacher. No intimation was given to the D.I. of Schools in terms of Recruitment Rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The impact of such information has been culled out from sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. It is incumbent upon the School Authority/Madrasah Authority to intimate D.I. of Schools at least three months prior to the occurrence of such vacancy, since filing up of such vacancy is likely to cause financial liability to the State and that's why the mandate of sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005 has to be complied with. Curiously enough, the Teacher-in-Charge has produced some Attendance Registers bearing only the signature of the petitioners. It is apparent from the Attendance Registers of the approved teachers maintained by the Madrasah that there is no signature of the petitioner in such Attendance Registers. The Attendance Register, claimed to be the Attendance Register of non-approved teachers like the petitioner,

produced by the Teacher-in-Charge, also does not bear the signature of the Teacher-in-Charge.

In the premises set forth above, we are of the 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. The Attendance Registers produced by the Teacher-in-Charge and the Work Done Certificate cannot be accepted on the ground that she 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 signed in the official Attendance Register maintained by the Madrasah. The separate Attendance Register for non-approved teachers produced by the Teacher-in-Charge of the petitioner does not bear the signature of the Teacher-in-Charge or any other competent Authority of the Madrasah to be accepted as a valid document.


1. Justice Debi Prosad Dey
(Chairman) 31/07/2023


2. Shri Manish Gupta
(Member) 31/07/2023


3. Shri Sripati Mukhopadhyay
(Member) 31/07/2023

OBSERVATION

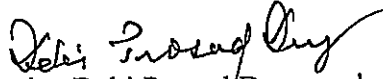
Md. Jahangir Alam, Assistant Teacher, Geography (Pass) : As per the statement of the petitioner, he was appointed on 04.01.2016 and he has been working in that Madrasah on and from 11.01.2016, without having any requisite qualification (having no B. Ed. degree on the date of his alleged appointment).

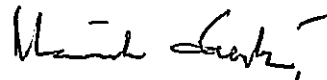
As per N.C.T.E. Rules, Assistant Teachers must possess 50% in. B.A./M.A. in aggregate and B.Ed. degree for being eligible to be recruited as Assistant Teacher.

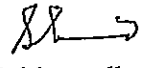
The petitioner himself admitted that his appointment was purely temporary and after two years, his appointment was confirmed at a salary of Rs.2,000/- per month. The Resolution mentioned in the alleged confirmation of appointment letter of the petitioner dated 13.01.2018 does not find place in the original Resolution Book produced by the Teacher-in-Charge of the Madrasah. Teacher-in-Charge, Anwarul Haque has admitted that following the Rules of the Managing Committee, the petitioner was recruited but it is evident from the evidence that the Managing Committee did not follow the Recruitment Rules as prevalent at that point of time for Recruitment of a Teacher. No intimation was given to the D.I. of Schools in terms of Recruitment Rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The impact of such information has been culled out from sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. It is incumbent upon the School Authority/Madrasah Authority to intimate D.I. of Schools at least three months prior to the occurrence of such vacancy, since filing up of such vacancy is likely to cause financial liability of the state and that's why the mandate of sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005 has to be complied with. Curiously enough, the Teacher-in-Charge has produced some Attendance Registers bearing only the signature of the petitioners. It is apparent from the Attendance Registers of the approved teachers maintained by the Madrasah that there is no signature of the petitioner in such Attendance Registers. The Attendance Registers, claimed to be the Attendance Register of non-approved teachers like the petitioner ,

produced by the Teacher-in-Charge also does not bear the signature of the Teacher-in-Charge.

In the premises set forth above, we are of the 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. The Attendance Registers produced by the Teacher-in-Charge and the Work Done Certificate cannot be accepted on the ground that she 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 signed in the official Attendance Register maintained by the Madrasah. The separate Attendance Registers for non-approved teachers produced by the Teacher-in-Charge of the petitioner does not bear the signature of the Teacher-in-Charge or any other competent Authority of the Madrasah to be accepted as a valid document.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

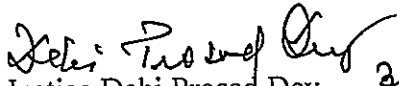

2. Shri Manish Gupta 31/07/2023
(Member)

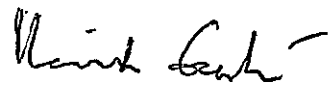

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

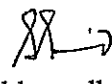
OBSERVATION

Rojina Parvin, Group - D (Matron) : As per the statement of the petitioner, she was appointed as a temporary staff on 18.12.2015 and she was confirmed on 24.12.2017 on the strength of the Resolution of the Managing Committee with a salary of Rs. 1,000/- per month. Admittedly, she never appeared in any examination for being recruited as a Group-D employee. We also do not find any Resolution in the original Resolution Book of the Managing Committee dated 24.12.2017 whereby the petitioner was allegedly confirmed. Admittedly, there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. As per the statement of Teacher-in-Charge of Batna J.M.O. Sr., Madrasah, Malda, the Rules of Recruitment were not followed in the Recruitment of the petitioner. Therefore, we may safely ignore the Work Done Certificate issued by the Teacher-in-Charge and the separate Attendance Register produced by the Teacher-in-Charge, for not having any signature of the Teacher-in-Charge or any competent Authority of the Madrasah thereon. The D.I. of Schools, Malda by filing a separate report in respect of the petitioner, has emphatically stated 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.

In the premises set forth above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah for the simple reason that she never signed in the official Attendance Register of the Madrasah.


1. Justice Debi Prosad Dey 21/07/2023
(Chairman)

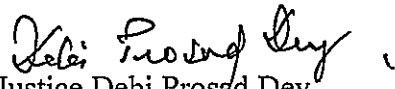

2. Shri Manish Gupta 21/07/2023
(Member)

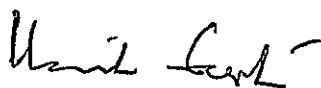

3. Shri Sripati Mukhopadhyay 21/7/2023
(Member)

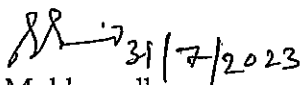
OBSERVATION

Md. Esrar Hossain, Group – C (Clerk) : As per the statement of the petitioner, he was appointed as a temporary staff on 18.12.2015 and he was confirmed on 24.12.2017 on the strength of the Resolution of the Managing Committee with a salary of Rs.1,500/- per month. Admittedly, he never appeared in any examination for being recruited as Group-C employee. We also do not find any Resolution in the original Resolution Book of the Managing Committee dated 24.12.2017 whereby the petitioner was allegedly confirmed. Admittedly, there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. As per the statement of Teacher-in-Charge of Batna J.M.O. Sr., Madrasah, Malda, the Rules of Recruitment were not followed in the Recruitment of the petitioner. Therefore, we may safely ignore the Work Done Certificate issued by the Teacher-in-Charge and the separate Attendance Register produced by the Teacher-in-Charge, for not having any signature of the Teacher-in-Charge or any competent Authority of the Madrasah thereon. The D.I. of Schools, Malda by filing a separate report in respect of the petitioner, has empathically stated 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.

In the premises set forth above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah for the simple reason that she never signed in the official Attendance Register of the Madrasah.


1. Justice Debi Prosad Dey
(Chairman)

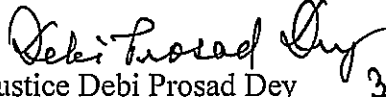

2. Shri Manish Gupta 31/07/2023
(Member)

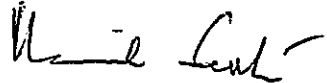

3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

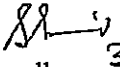
OBSERVATION

Md. Ayub Ali Molla, Assistant Teacher, Arabic (UG) : As per the statement of the petitioner, he was recruited on 04.01.2016 as Assistant Teacher, Arabic and he was confirmed by the Managing Committee on 18.001.2019 on the basis of the Resolution of the Managing Committee dated 13.01.2018 . There is no Resolution dated 13.01.2018 in the original Resolution Book. Admittedly, the petitioner could not produce any document about his acquisition of B.Ed. degree at the time of his alleged date of appointment. Secondly, he obtained 39.28% marks in aggregate. The petitioner admittedly had no requisite qualification to be appointed as Assistant Teacher. As per the statement of Anwarul Hoque, Teacher-in-Charge of Batna J.M.O. Sr., Madrasah, Malda, the Recruitment of the petitioner was not made following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The D.I. of Schools by filing a separate report has also stated that Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 was never complied with in the alleged appointment of the petitioner.

In the premises set forth above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah for the simple reason that she never signed in the official Attendance Register of the Madrasah.


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

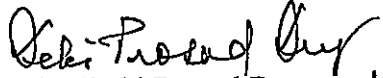

2. Shri Manish Gupta 31/07/2023
(Member)



3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

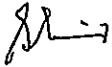
OBSERVATION

Sahenur Parvin, Group – C (Librarian) : As per the petitioner, she joined purely as Temporary Librarian and her services was confirmed by the Madrasah on the basis of the Resolution dated 24.12.2017 at a monthly salary of Rs.1,700/-. We do not find any such Resolution dated 24.12.2017 in the original Resolution Book. Admittedly, she was never recruited following the Rules of Recruitment. Anwarul Haque, Teacher-in-Charge of Batna J.M.O. Sr., Madrasah, Malda 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. There is no signature of the petitioner in the official Attendance Register. Therefore, the Work Done Certificate and the separate Attendance Register produced by the Teacher-in-Charge cannot be accepted as legal and valid document for want of signature of the Teacher-in-Charge or any other competent Authority of the Madrasah. The D.I. of Schools also corroborated by filing a written report that the Rules as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 was not complied with at the time of the alleged Recruitment of the petitioner.

In the premises set forth above, we have no hesitation to say that the petitioner was never recruited following the Rules of Recruitment as per Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and the petitioner never worked in the Madrasah for the simple reason that she never signed in the official Attendance Register of the Madrasah.


1. Justice Debi Prosad Dey 31/07/2022
(Chairman)

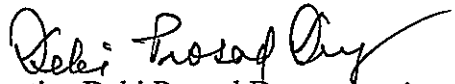
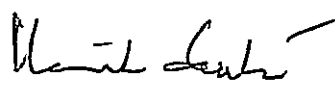
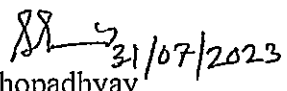

2. Shri Manish Gupta 31/07/2022
(Member)


3. Shri Sripati Mukhopadhyay 31/7/2022
(Member)

OBSERVATION

Rakesh Gazi, Assistant Teacher, Bengali (UG) : Admittedly, the petitioner was appointed as temporary Teacher and his service was confirmed by the Madrasah by its Resolution dated 13.01.2018 of monthly salary of Rs.1,750/-. We do not find any Resolution dated 13.01.2018 of the Managing Committee in the original Resolution Book. The Teacher-in-Charge has admitted that the petitioner was not recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The D.I. of Schools by filing a report has also stated 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. The petitioner admitted that he had no requisite qualification at the time of his alleged joining in the Madrasah. It is apparent that the Teacher-in-Charge has tried to give some sort of legality to the appointment of the petitioner by producing a separate Attendance Register without having any signature of the Teacher-in-Charge or any other competent Authority of the Madrasah.

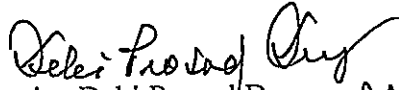
In the premises set forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited in the Madrasah following Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 and never worked in the Madrasah (for not having any signature on the official Attendance Register maintained by the Madrasah).

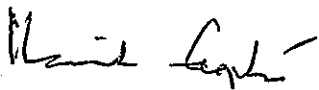
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1. Justice Debi Prosad Dey 31/07/2023
(Chairman)
- 
2. Shri Manish Gupta 31/07/2023
(Member)
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3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

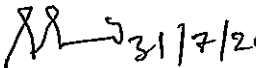
OBSERVATION

Rakesh De, Assistant Teacher, Bio-Science (Pass) : The petitioner is claiming that he has been recruited on 26.09.2016 and has been working as Assistant Teacher, Bio-Science since 28.09.2016. However, the petitioner has further stated that he has produced two appointment letters dated 26.09.2016 and 04.02.2019. It appears from his statement that he was pursuing degree course in B.Sc. in the academic session of 2017 to 2019. Two joining letters of different dates raised serious doubts about the appointment of the petitioner in the Madrasah. The D.I. of Schools has categorically stated that the petitioner was never recruited following Rules of Recruitment. Anwarul Haque, Teacher-in-Charge also did not find any Resolution in the Resolution Book as has been mentioned in the so-called appointment of the petitioner. The Teacher-in-Charge never saw the petitioner to attend the Madrasah or to work in the Madrasah in any capacity.

In the premises set-forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015 & govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah (for not having his signature in the official Attendance Register of the Madrasah).


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

OBSERVATION

Md. Faridul Islam, Assistant Teacher, Theology (H/PG) : The petitioner is claiming that she has been recruited on 04.02.2019 and has been working as Assistant Teacher, Theology since 05.02.2019. The D.I. of Schools has categorically stated that the petitioner was never recruited following Rules of Recruitment. Anwarul Haque, Teacher-in-Charge also did not find any Resolution in the Resolution Book as has been mentioned in the so-called appointment of the petitioner. The Teacher-in-Charge never saw the petitioner to attend the Madrasah or to work in the Madrasah in any capacity.

In the premises set-forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah (for not having his signature in the official Attendance Register of the Madrasah).

Debi Prosad Dey

1. Justice Debi Prosad Dey 31/07/2023
(Chairman)

Manish Gupta

2. Shri Manish Gupta 31/07/2023
(Member)

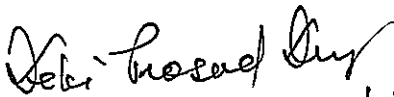
Shri Sripati Mukhopadhyay 31/07/2023

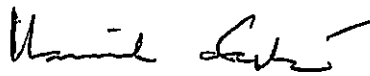
3. Shri Sripati Mukhopadhyay
(Member)

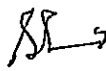
OBSERVATION

Mst. Rupa Khatun, Assistant Teacher, Theology (H/PG) : The petitioner is claiming that she has been recruited on 04.02.2019 and has been working as Assistant Teacher, Theology since 05.02.2019. The D.I. of Schools has categorically stated that the petitioner was never recruited following Rules of Recruitment. Anwarul Haque, Teacher-in-Charge also did not find any Resolution in the Resolution Book as has been mentioned in the so-called appointment of the petitioner. The Teacher-in-Charge never saw the petitioner to attend the Madrasah or to work in the Madrasah in any capacity.

In the premises set-forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah (for not having her signature in the official Attendance Register of the Madrasah).


1. Justice Debi Prosad Dey 31/07/2023
(Chairman)


2. Shri Manish Gupta 31/07/2023
(Member)


3. Shri Sripati Mukhopadhyay 31/7/2023
(Member)

OBSERVATION


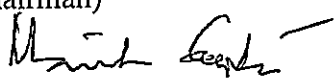
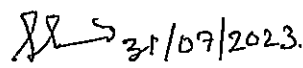
Arijit Purkait, Assistant Teacher, Pure Science (Pass) : The petitioner having no requisite qualification to be appointed as Assistant Teacher (not having B.Ed. degree on the date of his alleged appointment in the Madrasah). He is claiming that being recruited on 26.09.2019, he has been working in the Madrasah since 28.09.2019. Admittedly, the petitioner was pursuing his B.Ed. degree in the academic session of 2017-2019 as a regular student and obtained the B.Ed. degree on 19.11.2019. That goes to say that being a regular student of a degree course, he had no reason to join as Assistant Teacher on 26.09.2019. The residential house of the petitioner is about 500 kms. away from his Madrasah. As per the petitioner, he actually joined the Madrasah on 26.09.2016 but subsequently, the secretary Md. Rafiqul Alam issued another appointment letter dated 04.02.2019. He has submitted another joining letter without having any date. He never signed in the official Attendance Register but he used to sign on a separate Attendance Register.

The petitioner has admitted that the appointment letter and joining letter dated 04.02.2019 and 05.02.2019 respectively were prepared after 21.03.2023 i.e. the date of the filing of his representation. He never appeared in any written examination or before any Interview Board for being recruited as Teacher of the Madrasah.

It is apparent from the statement of the petitioner that at the behest of the Secretary and the Teacher-in-Charge the appointment letter dated 04.02.2019 and joining letter dated 05.02.2019 have been manufactured and that's why there is no signature of the petitioner in the official Attendance Register maintained by the Madrasah. The Teacher-in-Charge has also categorically stated that the petitioner was never recruited following Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah. The D.I. of Schools, Malda, Sujit Samanta has also filed a report stating inter-alia that the petitioner was never appointed in the Madrasah by following Rules of Recruitment.

We also do not find any Resolution in the official Resolution Book about the Recruitment of the petitioner following Rules of Recruitment.

In the premises set-forth above, we have no hesitation to say that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and never worked in the Madrasah (for not having her signature in the official Attendance Register of the Madrasah).

1.  31/07/2023
(Chairman)
2.  31/07/2023
(Member)
3.  31/07/2023.
(Member)