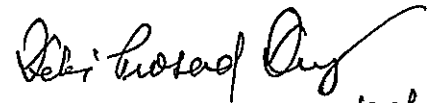


OBSERVATION

Nazrul Islam, Asstt. Teacher, History (Pass):-The petitioner, Nazrul Islam aged about 52 years, is claiming that he has been appointed on 30/05/2018 by the Managing Committee of the Madrasah being satisfied with his service rendered in the Institution as Para Teacher. Admittedly, the petitioner was aged about more than 46 years on the date of his alleged appointment. The resolution dated 25/05/2018 with a meeting no. 2/2018-2019 reveals that he was directly appointed by the Managing Committee of the Madrasah since he had been working as Para Teacher on and from 2007. Md. Salam, the Headmaster of the Bheramari A. M. High Madrasah, Birbhum, specifically stated that the petitioner, Nazrul Islam has been working as Para Teacher in the Madrasah since 2007 at a monthly salary of Rs. 12,000/- and he has no knowledge about the resolution dated 25/05/2018. The D.I. of School, Birbhum, has however, stated that the petitioner, Nazrul Islam was never recruited following the Rules of recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

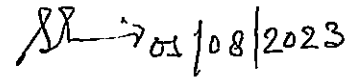
Under the circumstances stated above, we are of the considered view that the petitioner, Nazrul Islam, having no requisite qualification and aged⁵² to be appointed as Asstt. Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked as legally Asstt. Teacher in that Madrasah. However, he has been working since 2007 as Para Teacher at a monthly salary of Rs. 12,000/- in the Madrasah.



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



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

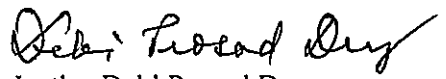


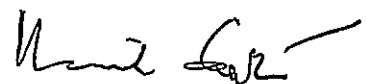
3) Shri Sripati Mukhopadhyay
(Member)

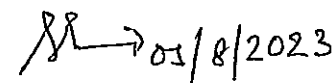
OBSERVATION

Makhan Mondal, Asstt. Teacher, Bio Science (Pass):-As per the petitioner, he has been working since 01/06/2018 on the strength of the resolution adopted by the Managing Committee on 30/05/2018. The said resolution reveals that since the petitioner, Makhan Mondal had been working voluntary in that Madrasah and that's why the Managing committee directly gave him appointment without compliance with the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The petitioner also admitted that he never appeared before the Selection Committee for being recruited as Asstt. Teacher of the Madrasah. The D.I. of School, Birbhum, also stated that the petitioner, Makhan Mondal was never recruited following the Rules of recruitment being Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. Makhan Mondal used to sign on a separate attendance register along with one Nazrul Islam. He never signed in the official attendance register maintained by the Madrasah.

Under the circumstances stated above, we are of the considered view that the petitioner, Makhan Mondal was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and he never worked as legally Asstt. Teacher in that Madrasah.


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


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

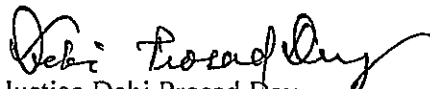

3) Shri Sripati Mukhopadhyay *03/8/2023*
(Member)


OBSERVATION

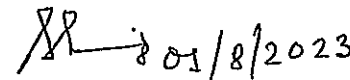
Nafijul Molla, Gr. 'C'(Clerk):—The petitioner, Nafijul Molla is claiming himself as Group 'C' (Clerk) of Bheramari A.M. High Madrasah, Birbhum. As per the petitioner, he joined in the said Madrasah on 28/06/2019 on receipt of the appointment letter dated 25/06/2019. He has been working in the said Madrasah since 28/06/2019. The record reveals that the vacancy of the petitioner was duly published in two State Level Dailies at least three months prior to the date of examination. The petitioner appeared in the written examination and after being successful in such examination, the Managing Committee of the Madrasah issued appointment letter in his favour. Ultimately, he joined the Madrasah on 28/06/2019. We find the necessary resolution in the Resolution Book. Two State Level Dailies, namely, 'Ek Din' and 'Indian Express' have been filed to show that the vacancies were duly published in the Newspaper.

Md. Salam, the Headmaster of the Bheramari A.M. High Madrasah, Birbhum, has also admitted the recruitment of the petitioner following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The attested copy of the resolution and the attendance register have been filed to show that the petitioner was validly recruited and that he has been working in that Madrasah. The D.I. of School, Birbhum, has however, stated that Clause 5 G.O. No. 486-MD/O/2M-11/2016 dated 03/03/2016 was not complied with. It is evident from Clause 5 that mere intimation has to be given to the D.I. of School but, the recruitment is to be made in accordance with the Rules of the Managing Committee. The work done certificate has duly been granted by the Headmaster of the Madrasah to establish that the petitioner joined the Madrasah on 28/06/2019 and he has been working in that Institution from 28/06/2019 till date.

Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 has had direct bearing with Section 4 of the West Bengal School (Control of Expenditure) Act, 2005. Section 5 of the West Bengal School (Control and Expenditure) Act, 2005 provide that any recruitment contrary to Section 4 of the Act is void. In that view of this case, the Madrasah Authority has not complied with Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and the said rules were not complied with at the time of recruitment of the Petitioner. The Petitioner, however, has been working as Group-C employee since 28.06.2019.


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


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



3) Shri Sripati Mukhopadhyay
(Member) 01/8/2023

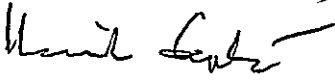
OBSERVATION

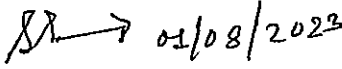
Sk. Yasin, Gr. 'D':-The petitioner, Sk. Yasin is claiming himself as Group 'D' of Bheramari A.M. High Madrasah, Birbhum. As per the petitioner, he joined in the said Madrasah on 28/06/2019 on receipt of the appointment letter dated 25/06/2019. He has been working in the said Madrasah since 28/06/2019. The record reveals that the vacancy of the petitioner was duly published in two State Level Dailies at least three months prior to the date of examination. The petitioner appeared in the written examination and after being successful in such examination, the Managing Committee of the Madrasah issued appointment letter in his favour. Ultimately, he joined the Madrasah on 28/06/2019. We find the necessary resolution in the Resolution Book. Two State Level Dailies, namely, 'Ek Din' and 'Indian Express' have been filed to show that the vacancies were duly published in the Newspaper.

Md. Salam, the Headmaster of the Bheramari A.M. High Madrasah, Birbhum, has also admitted the recruitment of the petitioner following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The attested copy of the resolution and the attendance register have been filed to show that the petitioner was validly recruited and that he has been working in that Madrasah. The D.I. of School, Birbhum, has however, stated that Clause 5 G.O. No. 486-MD/O/2M-11/2016 dated 03/03/2016 was not complied with. It is evident from Clause 5 that mere intimation has to be given to the D.I. of School but, the recruitment is to be made in accordance with the Rules of the Managing Committee. The work done certificate has duly been granted by the Headmaster of the Madrasah to establish that the petitioner joined the Madrasah on 28/06/2019 and he has been working in that Institution from 28/06/2019 till date.

Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 has had direct bearing with Section 4 of the West Bengal School (Control of Expenditure) Act, 2005. Section 5 of the West Bengal School (Control and Expenditure) Act, 2005 provide that any recruitment contrary to Section 4 of the Act is void. In that view of this case, the Madrasah Authority has not complied with Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and the said rules were not complied with at the time of recruitment of the Petitioner. The Petitioner, however, has been working as Group-D employee since 28.06.2019.


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


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

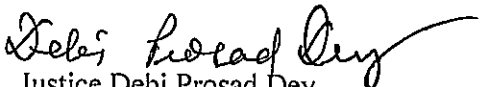

3) Shri Sripati Mukhopadhyay
(Member)


OBSERVATION

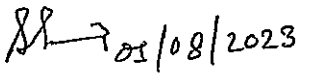
Parsona Khatun, Gr. 'D':-The petitioner, Parsona Khatun is claiming herself as Group 'D' of Bheramari A.M. High Madrasah, Birbhum. As per the petitioner, she joined in the said Madrasah on 28/06/2019 on receipt of the appointment letter dated 25/06/2019. She has been working in the said Madrasah since 28/06/2019. The record reveals that the vacancy of the petitioner was duly published in two State Level Dailies at least three months prior to the date of examination. The petitioner appeared in the written examination and after being successful in such examination, the Managing Committee of the Madrasah issued appointment letter in her favour. Ultimately, she joined the Madrasah on 28/06/2019. We find the necessary resolution in the Resolution Book. Two State Level Dailies, namely, 'Ek Din' and 'Indian Express' have been filed to show that the vacancies were duly published in the Newspaper.

Md. Salam, the Headmaster of the Bheramari A.M. High Madrasah, Birbhum, has also admitted the recruitment of the petitioner following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The attested copy of the resolution and the attendance register have been filed to show that the petitioner was validly recruited and that she has been working in that Madrasah. The D.I. of School, Birbhum, has however, stated that Clause 5 of G.O. No. 486-MD/O/2M-11/2016 dated 03/03/2016 was not complied with. It is evident from Clause 5 that mere intimation has to be given to the D.I. of School but, the recruitment is to be made in accordance with the Rules of the Managing Committee. The work done certificate has duly been granted by the Headmaster of the Madrasah to establish that the petitioner joined the Madrasah on 28/06/2019 and she has been working in that Institution from 28/06/2019 till date.

Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 has had direct bearing with Section 4 of the West Bengal School (Control of Expenditure) Act, 2005. Section 5 of the West Bengal School (Control and Expenditure) Act, 2005 provide that any recruitment contrary to Section 4 of the Act is void. In that view of this case, the Madrasah Authority has not complied with Clause 5 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and the said rules were not complied with at the time of recruitment of the Petitioner. The Petitioner, however, has been working as Group-D employee since 28.06.2019.


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