

OBSERVATION

Md. Wasim Bari Khan, Assistant Teacher, Arabic (Pass) : The petitioner is claiming that he was appointed as Assistant Teacher, Arabic (Pass) of Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur on 29.01.2016 and he has been working in that Madrasah as Assistant Teacher, Arabic (Pass) since 01.02.2016.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Arabic (Pass) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date. The A.D.I., Contai /D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and

thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and its Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and its Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.

Debi Prasad Dey

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

Manish Gupta

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

Sripati Mukhopadhyay 31/07/2023

3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

Sk. Samim Ali, Assistant Teacher, History (H/PG) : The petitioner is claiming that he was appointed as Assistant Teacher, History (H/PG) of Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur on 29.01.2016 and he has been working in that Madrasah as Assistant Teacher, History (H/PG) since 01.02.2016.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

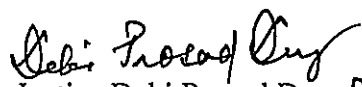
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, History (H/PG) and there was no valid sanction of the Madrasah or its Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and its Managing Committee were not recognized on the fateful date. The A.D.I. Contai D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and


SL
31/7/23

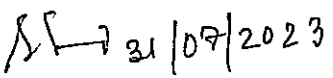
thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and its Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and its Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


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


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


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Najma Khatun, Assistant Teacher, Bengali (Pass) : The petitioner claimed that she was appointed as Assistant Teacher, Bengali (Pass) of Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur on 29.01.2016 and she has been working in that Madrasah till 01.02.2016. She obtained only 43.6% marks in aggregate in her B.A examination and she had no B.Ed./D.L. Ed. degree on the date of her joining at the Madrasah. She is the maternal niece of the then Secretary, Ahmed Hossain Ali Shah of such Madrasah.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

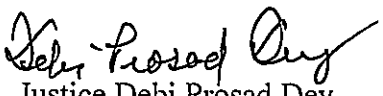
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Bengali (Pass) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date.

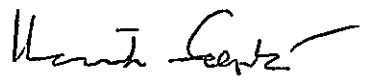
31/7/2018

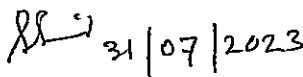
The A.D.I., Contai/D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


1. Justice Debi Prosad Dey
(Chairman) 30/07/2023


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


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Maidul Ali Shah, Assistant Teacher, Geography (H/PG) : The claim of the petitioner is that he was appointed as Assistant Teacher, Geography (H/PG) on 29.01.2016 and he has been working in the Madrasah since 02.02.2016. Admittedly, the petitioner had no B.Ed./D.L.Ed. degree on the date of his joining and he obtained on 48.62% marks in his B.A. examination. It is apparent from the educational qualification of the petitioner, that he had no requisite qualification to be appointed as Assistant Teacher. Interestingly, the petitioner has stated that Motaher Hossain Shah is the Teacher-in-Charge of such Madrasah and he is the son of Ahammed Hossain Ali Shah, the Secretary of the Madrasah.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

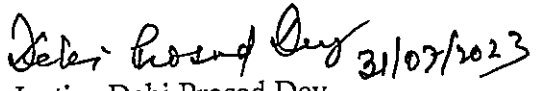
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Geography (H/PG) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment

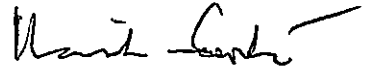
SL
31/7/23

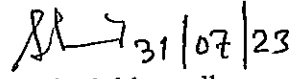
letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date. The A.D.I., Contai/D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


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


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


3. Shri Sripati Mukhopadhyay 31/07/23
(Member)

OBSERVATIONS


Sonali Khatun, Assistant Teacher, Bio-Science (Pass) : the petitioner is claiming that she was appointed on 29.01.2016 as Assistant Teacher, Bio-Science (Pass) and she has been working in the Madrasah since 02.02.2016. Admittedly, she obtained B.Ed. degree as a regular student from Ramnagar B.Ed. College in the academic year 2016-2018. It is apparent from her educational qualification that she had no requisite qualification to be appointed as Assistant Teacher, Bio-Science (Pass) on the date of her alleged recruitment.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Bio-Science (Pass) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date.

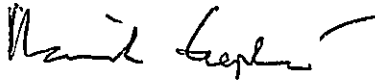

31/7/23

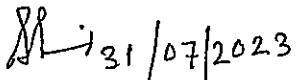
The A.D.I., Contai/D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


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


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


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATIONS

Sk. Aual Tullah, Group – C (Clerk) : The petitioner is claiming that he was appointed as Group-C (Clerk) on 02.02.2016 under 10% Management Quota of the Managing Committee and he has been working since 05.02.2016 as Group – C (Clerk). As per the petitioner, the Secretary of the Managing Committee simply handed over the appointment letter to him and he was not recruited following the Rules of Recruitment.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah.

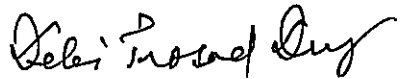
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Group – C (Clerk) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date. The A.D.I., Contai D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such

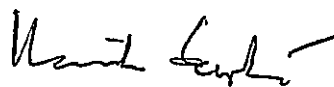
S.L.
31/07/23

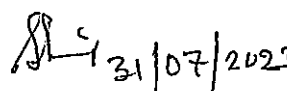
appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 93-SE/S/10R-14/2013 dated 09.02.2015. The documents produced by the petitioner cannot be accepted for the reasons stated above.


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

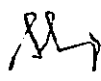
OBSERVATIONS

Deen Mahammad, Assistant Teacher, Work/Physical Education (Pass) : The petitioner is claiming that he was appointed on 19.08.2017 as Assistant Teacher, Work/Physical Education (Pass) in the Madrasah and he has been working in the Madrasah since 22.08.2017. The petitioner admitted that from 24.08.2017 to 13.09.2019 he was on verbally for pursuing his B.Ed. degree from Netaji Subhas Chandra Institute, Heria and thereby obtained the B.Ed. degree in the year 2019. Curiously enough, the Work Done Certificate reveals that the petitioner has been working in the Madrasah from 22.08.2017 to 13.04.2022 and there is no whisper that the petitioner was actually pursuing his B.Ed. degree from 24.08.2017 to 13.09.2019. Moreover, the Assistant Teacher, Work/Physical Education must have B.P. Ed. degree and the petitioner had no B.P. Ed. degree on the date of his joining at the Madrasah. That clearly goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, Work/Physical Education (Pass) in the Madrasah.

The petitioner has filed Memo No. 5028 dated 17.02.2011 to show that Contai Shawkatia Jr. High Madrasah (English Medium), Purba Medinipur was recognized as new set up Jr. High Madrasah for the academic session 2010-2011 provisionally for one year subject to fulfillment of normal condition.

Condition no. 2 of Memo No, 5028, dated 17.02.2011 for recognition New Setup Junior High Madrasah for Girls / Boys / Co-Educational issued by West Board of Madrasah Education, reveals that Teachers of new set up Madrasah should be appointed by the Managing Committee only on the recommendation of West Bengal Madrasah Service Commission for selection of Teachers in Madrasahs.

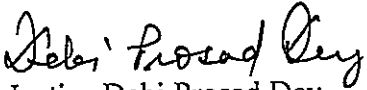
The petitioner said to have been appointed on 01.02.2016. By this time, the vacancy should have been filled up through West Bengal Madrasah Service Commission. Admittedly, as per the report submitted by West Bengal Board of Madrasah Education, the first recognition vide Memo No. 5028 dated 17.02.2011 was extended for two years w.e.f. 01.05.2011 upto 30.04.2013 vide Memo No. 1523 dated 11.10.2012 but thereafter, there was no valid recognition of the Madrasah at least on 29.01.2016, 02.02.2016 and 19.08.2017. Moreover, it is apparent from the further report of the Secretary of the West Bengal Board of Madrasah Education that there was no valid Managing Committee since the recognition of the Madrasah was rejected and has not been extended. It is, therefore, apparent that on 01.02.2016 or on 29.01.2016 there was no valid sanction of the Madrasah or any valid Managing Committee to recruit Teaching/non-Teaching staff of the Madrasah. The petitioner did not have any D.L. Ed. degree on the date of his alleged recruitment but he had acquired such degree after three years from the date of his alleged recruitment.

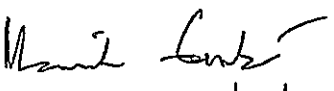

31/07/23

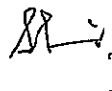
In view of the discussions made hereinabove, we find that the petitioner had no requisite qualification on 29.01.2016 to be appointed as Assistant Teacher, Work/Physical Education (Pass) and there was no valid sanction of the Madrasah or it's Managing Committee on 29.01.2016. The appointment letter, joining letter, Work Done Certificate and the attested copy of the Attendance Register become redundant since the Madrasah and it's Managing Committee were not recognized on the fateful date. The A.D.I., Contai/D.I. of Schools, Purba Medinipur has also stated by filing a report that no intimation was given to the D.I. of Schools in matters of alleged appointment of the petitioner and thereby such appointment is contrary to the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Admittedly, the Madrasah and it's Managing Committee were not recognized at least from 2016 and therefore, there was no valid Managing Committee sanctioned by the Board. We directed the Teacher-in-Charge/Headmaster whoever may be there to appear in person with the concerned Resolution Book of the Managing Committee but the entire Managing Committee (de-recognized by the Board) wanted to appear before the Committee. The modalities framed by the Committee do not permit the entire Managing Committee to appear but only the custodian of the Resolution Book i.e. Headmaster/Teacher-in-Charge was permitted to appear with the Resolution Book and the Attendance Registers. In the matter under reference, representation of the Managing Committee cannot be accepted in view of the fact that the Madrasah and it's Managing Committee were not recognized by the Board at least since 2016.

Under the circumstances, we are of considered opinion that the petitioner having no requisite qualification to be appointed as Assistant Teacher, was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The documents produced by the petitioner cannot be accepted for the reasons stated above.


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


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


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