

## OBSERVATION

Sk. Asiruddin, Group-D :- The petitioner, Sk. Asiruddin is claiming that he was recruited under 10% Management Quota by the Managing Committee of the Madrasah on 26/11/2016.

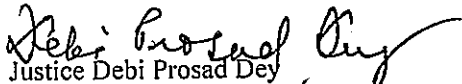
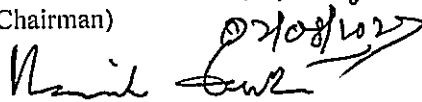
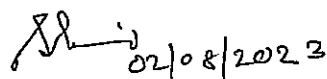
A Write Petition was filed before the Hon'ble High Court being No. 4818/2020, but, the said W.P. was dismissed in limine. An appeal was preferred before the Hon'ble High Court being FMA No. 915/2021 and the Hon'ble High Court referred the matter for consideration by this Committee.

The Resolution Book has been produced before this Committee. The Resolution dated 26/11/2016 reveals that Sk. Asiruddin has been working in that Madrasah as Casual Employee for past ten years and his case could be considered in near future, if the Managing Committee assumes the authority of giving appointment to the petitioner. In other words, the case of the petitioner could be given preference to, in case, any occasion arises for appointment of Group-D employee in near future. That clearly goes to show that no appointment was given to the petitioner on 26/11/2016.

The Teacher-in-Charge of the Madrasah, Md. Talib Mallick, issued Work Done Certificate in favour of the petitioner only under the impression that he has been working as casual employee and that's why, such Work Done Certificate was issued by him. The separate Attendance Register reveals that the petitioner has been signing in the Attendance Register as casual employee. It is evident from the statement of the Teacher-in-Charge, Md. Abu Talib Mallick, that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with for the alleged appointment of the petitioner.

The D.I. of Schools, Paschim Medinipur, Mr. Tapan Samanta, also corroborated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with in the alleged appointment of the petitioner, Sk. Asiruddin and his office had no information about alleged appointment of Sk. Asiruddin in the Madrasah.

Under the circumstances stated above, we are of the considered view that the petitioner, Sk. Asiruddin has been working as casual employee in the Madrasah. The Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with in matter of appointment of the petitioner, Sk. Asiruddin.

- 1)   
Justice Debi Prosad Dey  
(Chairman) 02/08/2022
- 2)   
Shri Manish Gupta 02/08/2022  
(Member)
- 3)   
Shri Sripati Mukhopadhyay 02/08/2022  
(Member)