

OBSERVATION

Kangkan Giri, Assistant Teacher, Math (Pass):- It may be mentioned, at the outset, that the petitioner did not turn up, despite receipt of notice on 27/04/2023, challenging the procedure adopted by this Committee in matter of verification, appointed by the Hon'ble Supreme Court and further stated that the Committee should adopt a suitable and practical method of giving hearing to those interested persons also.

Notice was again sent to the petitioner as well as to the Headmaster of the Madrasah. The petitioner duly appeared on 29/05/2023, but, the Headmaster did not turn up on 29/05/2023 and on 13/06/2023 *interalia* that the matter has again been challenged before the Hon'ble Supreme Court.

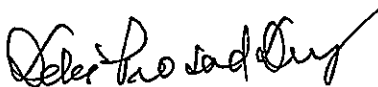
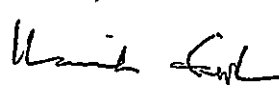
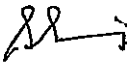
The petitioner has categorically stated that he had no B.Ed. degree on the date of his joining at the Madrasah and that, he has been working in the Madrasah since 01/07/2018. One Work Done Certificate alleged to have been issued by the Teacher-in-Charge of Majna High Madrasah, has been produced but since, no one is appearing on behalf of the Majna High Madrasah, we are unable to accept the authenticity of such Work Done Certificate. The letter of appointment/regularization reveals that in terms of the Hon'ble Supreme Court order dated 07/05/2018, in C.A. No. 5808/2017, the service of the petitioner was regularized. Photo copy of Resolution without having any certificate from the Secretary or any competent authority, has been produced to justify such regularization of service of the petitioner. No document has been produced by the petitioner to show that he was working in the said Madrasah on and from 01/07/2018.

Subhasis Mitra, The A.D.I. of Contai as well as D.I. of Schools, Purba Medinipur, by filing a report, has categorically stated that no intimation was given or permission was obtained from his office by the authority of Majna High Madrasah for initiation of recruitment of the petitioner and necessary papers regarding the approval of service of the aforesaid person were never submitted to his office and the office record reveals that the Rules of Recruitment in terms of Memo. No. 486-MD/O/2M-11/2016 dated 03/03/2016 were never complied with.

Unfortunately, the Headmaster being the Secretary of the Managing Committee, has refused to attend before this Committee at least on three occasions after receipt of the notices and has even challenged the procedure adopted by this Committee. Hon'ble Supreme Court specifically stated that the Committee would formulate the procedure of verification. Therefore, only the Hon'ble Supreme Court can look into the procedure adopted by the Committee and not by the Headmaster. Despite that fact, the Headmaster/Teacher-in-Charge of Majna High Madrasah refused to attend before the Committee and thereby refused to obey the order passed by the Hon'ble Supreme Court. We do recommend that the authority take appropriate steps against the Headmaster or the Teacher-in-Charge of the Madrasah for non-compliance of the order passed by the Hon'ble Supreme Court by refusing to appear before the Committee.

Admittedly, from the statement of the petitioner, we find that he was not recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The Resolution produced by the petitioner, though, not certified by the competent authority yet, reveals that the Rules of Recruitment were not complied with at the time of recruitment of the petitioner. There is no document to show that the petitioner has been attending the Madrasah since 01/07/2018 as legally recruited Assistant Teacher. The Teacher-in-Charge of the Madrasah did not turn up and that's why, we are not in a position to accept the Work Done Certificate due to the absence of the Teacher-in-Charge and due to non-production of the original Attendance Register.

Under the circumstances stated above, we are of the definite 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 he never worked in the Madrasah.


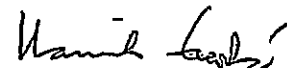
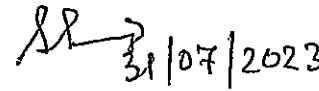
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1) Justice Debi Prosad Dey 21/07/2023
(Chairman)
- 
2) Shri Manish Gupta 31/07/2023
(Member)
- 
3) Shri Sripati Mukhopadhyay 31/07/2023
(Member)

OBSERVATION

Mortoja Rahaman, Assistant Teacher, Bengali (Pass):- The petitioner, Mortoja Rahaman is claiming that in terms of Meeting No. 07/19/E dated 15/12/2019, he was appointed as Assistant Teacher of Bengali (Pass) in Primary Elementary Section and he joined in Majna High Madrasah, Purba Medinipur on 21/12/2019. Photocopy of the Resolution dated 15/12/2019 has been produced by the petitioner without being certified by any competent authority of Majna High Madrasah. There is no document to show that the petitioner has been working in the Madrasah since 21/12/2019. The Teacher-in-Charge of the Madrasah issued Work Done Certificate for the period from 21/12/2019 to 13/04/2022 but, Work Done Certificate for the period from 13/04/2022 to 29/05/2023 has been filed by the petitioner. The Teacher-in-Charge of the Madrasah did not turn up before this Committee and therefore, we are not in a position to verify the authenticity of the Work Done Certificate, letter of appointment, letter of joining and the photo copy of the Resolution produced by the petitioner. On the contrary, the A.D.I./DI of Contai Sub-Division, has categorically stated by filing a report that the petitioner was never recruited following the Rules of Recruitment as per the Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016 and no intimation was given in terms of Clause 4 of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016.

Unfortunately, the Headmaster being the Secretary of the Managing Committee, has refused to attend before this Committee at least on three occasions after receipt of the notices and has even challenged the procedure adopted by this Committee. Hon'ble Supreme Court specifically stated that the Committee would formulate the procedure of verification. Therefore, only the Hon'ble Supreme Court can look into the procedure adopted by the Committee and not by the Headmaster. Despite that fact, the Headmaster/Teacher-in-Charge of Majna High Madrasah refused to attend before the Committee and thereby refused to obey the order passed by the Hon'ble Supreme Court. We do recommend that the authority take appropriate steps against the Headmaster or the Teacher-in-Charge of the Madrasah for non-compliance of the order passed by the Hon'ble Supreme Court by refusing to appear before the Committee.

Under the circumstances stated above, we are of the considered view that the petitioner, having no requisite qualification on the date of his alleged appointment, 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 in the Madrasah. (The original Attendance Registers have not been produced by the Teacher-in-Charge).

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

OBSERVATION

Sk. Sefayet Tulla, Group-D:- The petitioner, Sk. Sefayet Tulla is claiming that he was appointed in the Majna High Madrasah, Purba Medinipur on 07/03/2016 and he has been working in the said Madrasah since 11/03/2016. The petitioner did not appear in any written examination or appeared before any Interview Board. The photo copy of the appointment letter, joining letter and the Resolution dated 06/03/2016 clearly show that the petitioner was not recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. The management of the Madrasah did not turn up with the original documents and therefore, we could not even verify the authenticity of the said documents. The Work Done Certificate for the period from 11/03/2016 to 13/04/2022 issued by the Teacher-in-Charge of Majna High Madrasah but, the Teacher-in-Charge of the Madrasah did not turn up before the Committee. So the Committee is unable to verify the said Work Done Certificate. The Teacher-in-Charge also did not produce the official Attendance Register or the Resolution book of the Managing Committee to verify the appointment and attendance of the petitioner.

Unfortunately, the Headmaster being the Secretary of the Managing Committee, has refused to attend before this Committee at least on three occasions after receipt of the notices and has even challenged the procedure adopted by this Committee. Hon'ble Supreme Court specifically stated that the Committee would formulate the procedure of verification. Therefore, only the Hon'ble Supreme Court can look into the procedure adopted by the Committee and not by the Headmaster. Despite that fact, the Headmaster/Teacher-in-Charge of Majna High Madrasah refused to attend before the Committee and thereby refused to obey the order passed by the Hon'ble Supreme Court. We do recommend that the authority take appropriate steps against the Headmaster or the Teacher-in-Charge of the Madrasah for non-compliance of the order passed by the Hon'ble Supreme Court by refusing to appear before the Committee.

The A.D.I., Contai, Subhasis Mitra, has also stated by filing a report 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.

Under the circumstances stated above, we are of the considered view 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 he never worked in the Madrasah.

- 1) Justice Debi Prosad Dey 21/07/2023
(Chairman)
- 2) Shri Manish Gupta 21/07/2023
(Member)
- 3) Shri Sripati Mukhopadhyay 21/07/2023
(Member)