

OBSERVATION

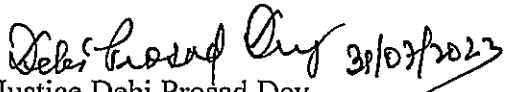
Md. Saidul Islam, Assistant Teacher, History (H/PG) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.


The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

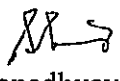
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


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


Asiul Sahana, Assistant Teacher, History (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

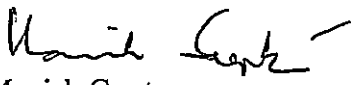
The Headmaster, Gulam Mohammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

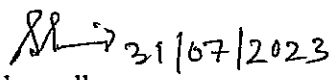
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


1. Justice Debi Prosad Dey
(Chairman)


2. Shri Manish Gupta
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

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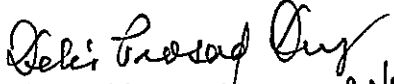
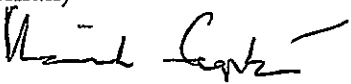
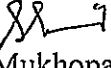
Md. Haider Ansari, Assistant Teacher, Arabic (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mohammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

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)

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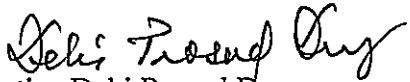
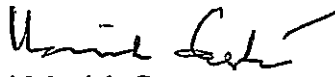
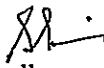
Sk. Jasimuddin, Assistant Teacher, Geography (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

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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


Goutam Kumar Das, Assistant Teacher, Physics (Pass) : Admittedly, the petitioner had no B.Ed. degree on the date of his alleged Recruitment and that's why the petitioner has no requisite qualification to be appointed as Assistant Teacher. The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

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submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

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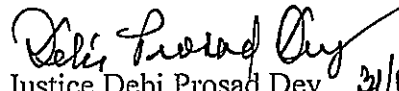
Md. Noman Habib, Assistant Teacher, Bio-Science (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

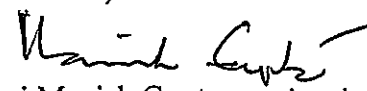
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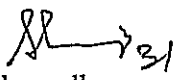
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated hereinabove.


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

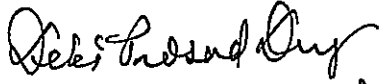


Jasimuddin Molla, Assistant Teacher, Bio-Science (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

- 
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)

OBSERVATION

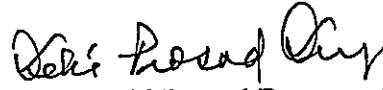
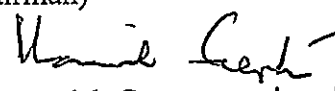
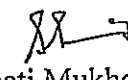
Tubinarani Khatun, Assistant Teacher, English (Pass) : Admittedly, the petitioner had no B.Ed. degree on the date of her alleged Recruitment and that's why the petitioner has no requisite qualification to be appointed as Assistant Teacher. The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also

submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause - v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause - v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.

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

OBSERVATION


Sk. Injamamul Hoque, Assistant Teacher, Pure Science (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

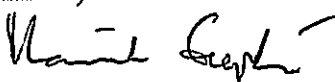
The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


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

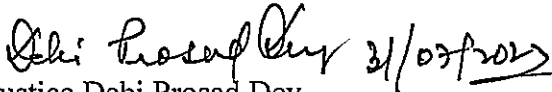
Md. Lichu Seikh, Assistant Teacher, Bengali (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

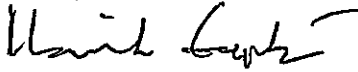
The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

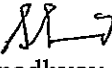
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


1. Justice Debi Prosad Dey
(Chairman)


2. Shri Manish Gupta
(Member)


3. Shri Sripati Mukhopadhyay
(Member)

OBSERVATION


Riaz Kajal, Assistant Teacher, Work Education (Pass) : The specific claim of the petitioner is that the petitioner appeared in written examination on 03.11.2019, being aware of the vacancy of Assistant Teacher, published in the newspaper EKDIN dated 27.10.2018 and thereafter appeared before the Interview Board on 05.11.2019. The appointment letter was issued on 19.12.2019 and he joined on 26.12.2019. He has been working as Assistant Teacher in Margram High Madrasah (H.S), Birbhum since then and the Headmaster has issued Work Done Certificate in his favour. The Attendance Register produced by the Headmaster for the petitioner and others reveals that the petitioner has been attending the Madrasah since 26.12.2019 and the Headmaster has also signed on such Attendance Register. The petitioner has also filed photocopy of the advertisement published in the INDIAN EXPRESS and EKDIN newspaper dated 27.10.2018. The claim of the petitioner is mainly based on publication of advertisement on 27.10.2018 and the Resolution dated 13.10.2018, meeting No. 14 dated 26.10.2018 in pursuance of which the publication was made on 27.10.2018 and meeting No. 19 dated 20.07.2019, meeting No. 20 dated 22.07.2019 and meeting No. 21 dated 15.11.2019 (on the strength of which the appointment was given). The Attendance Register also reveals that the petitioner has been attending the Madrasah since 26.12.2019.

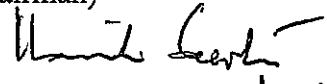
The Headmaster, Gulam Mahammad has, however, stated that the petitioner is not recruited against sanctioned posts since the additional post of Teacher (approved on 2008, 2009 and 2013) were never retained by the Madrasah. The Headmaster further stated that he personally prepared the question papers for all subjects for the purpose of written test. There was no Resolution of the Managing Committee whereby the Headmaster was entrusted for preparation of question papers for written examination. No Resolution was passed by the Managing Committee for selection of the examiners and preparation of the score sheet. There was no Resolution about the mode of publication of the result of such written test and interview to be taken by the Managing Committee. No Resolution was also adopted for taking the signatures on a separate Attendance Register. The Headmaster has also admitted that the Managing Committee did not inform the Inspector of Schools about the selection of Recruitment of such Teachers. There was no nominee of D.I. of Schools in the Interview Board. No Resolution was passed by the Managing Committee in respect of the modalities to be adopted for Recruitment of those Teachers and there was no Resolution of the Managing Committee in respect of fixation of the date of written examination of the proposed candidates and their interview. Ultimately, the Headmaster has admitted that the petitioner was not recruited against sanctioned post and following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The D.I. of Schools has also submitted individual report against the petitioner stating *inter alia* that the petitioner was not recruited

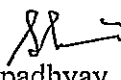
against sanctioned post and that the Recruitment Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 has not been followed.

Curiously enough, on the basis of publication of advertisement on 27.10.2018, the written examination was taken on 03.11.2019 long after one year from the said publication. Secondly, the Managing Committee could not and did not produce any document showing that the Headmaster was authorized to do everything from constitution of selection committee, preparation of question papers for written examination, selection of examiner, preparation of score sheet, directing the newly recruited teachers to sign on a separate Attendance Register and to authorize the Headmaster to recruit teachers without having any intimation to the D.I. of Schools in terms of clause – v of Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The impact of clause – v can be understood by looking into sec-4 of The West Bengal Schools (Control of Expenditure) Act, 2005. The state cannot bear the financial liability if no intimation is given to the state prior to such Recruitment. That's why the D.I. of Schools has specifically stated that such Recruitment of the petitioner was not approved by the D.I. of Schools since the petitioner was recruited without following the prescribed Rules by Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016.

Under the circumstances stated above, in absence of any Resolution of the Managing Committee and in view of admission of D.I. of Schools and the Headmaster of Margram High Madrasah (H.S), Birbhum, we are of considered opinion that Recruitment of the petitioner was made without following the prescribed Rules as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The official Attendance Register maintained by the Madrasah has not been produced. No Resolution was adopted by the Managing Committee as per the statement of the Headmaster that newly recruited teacher would sign on a separate Attendance Register. The separate Attendance Register of the petitioner cannot be accepted to be a valid document maintained by the Madrasah authority. The Work Done Certificate and such Attendance Register certified by the Headmaster would not provide any legality in the Recruitment of the petitioner for the reasons stated herein above.


1. Justice Debi Prosad Dey
(Chairman)

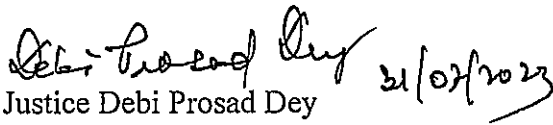

2. Shri Manish Gupta 31/07/2023
(Member)



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

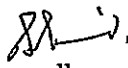
OBSERVATION

Sohel Rana, Group – C (Clerk) : Admittedly, 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. On the strength of Resolution vide meeting No. 08/A dated 23.05.2018, the Managing Committee decided directly to issue appointment letter in favour of the petitioner in terms of the decision of Hon'ble Supreme Court in case No. 5808/2017 dated 17.05.2018. The petitioner also admitted that he never appeared in written examination and he was appointed as per Hon'ble Supreme Court's order.

Under the circumstances state above, we are of the considered 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. The Work Done Certificate issued under the name of the Headmaster and the attendance of the petitioner in a separate Attendance Register would not legalize the Recruitment of the petitioner in accordance with law.


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

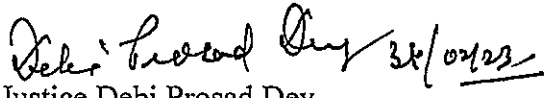

2. Shri Manish Gupta 31/07/2023
(Member)

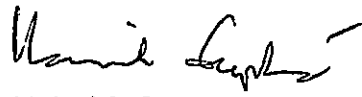

3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

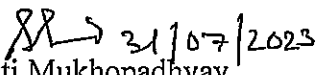
OBSERVATION

Sk. Sahabuddin, Group - 'D' : Admittedly, 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. On the strength of Resolution vide meeting No. 08/A dated 23.05.2018, the Managing Committee decided directly to issue appointment letter in favour of the petitioner in terms of the decision of Hon'ble Supreme Court in case No. 5808/2017 dated 17.05.2018. The petitioner also admitted that he never appeared in written examination and he was appointed as per Hon'ble Supreme Court's order.

Under the circumstances state above, we are of the considered 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. The Work Done Certificate issued under the name of the Headmaster and the attendance of the petitioner in a separate Attendance Register would not legalize the Recruitment of the petitioner in accordance with law.


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

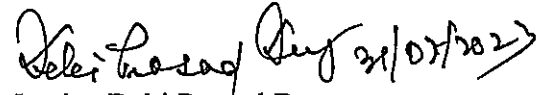

2. Shri Manish Gupta 31/07/2023
(Member)


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

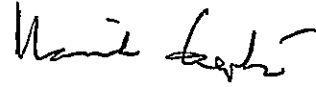
OBSERVATION

Mahammad Ali, Group - D : Admittedly, 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. On the strength of Resolution vide meeting No. 08/A dated 23.05.2018, the Managing Committee decided directly to issue appointment letter in favour of the petitioner in terms of the decision of Hon'ble Supreme Court in case No. 5808/2017 dated 17.05.2018. The petitioner also admitted that he never appeared in written examination and he was appointed as per Hon'ble Supreme Court's order.

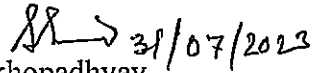
Under the circumstances state above, we are of the considered opinion that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016. The Work Done Certificate issued under the name of the Headmaster and the attendance of the petitioner in a separate Attendance Register would not legalize the Recruitment of the petitioner in accordance with law.



1. Justice Debi Prosad Dey
(Chairman)



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

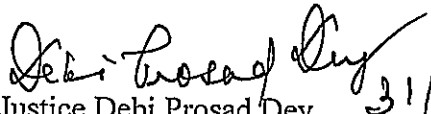


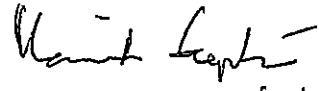
3. Shri Sripati Mukhopadhyay 31/07/2023
(Member)

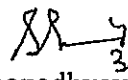
OBSERVATION

Manowara Khatun, Group - D : The Petitioner was not even recruited against any sanctioned post. Admittedly, 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. On the strength of Resolution vide meeting No. 08/A dated 23.05.2018, the Managing Committee decided directly to issue appointment letter in favour of the petitioner in terms of the decision of Hon'ble Supreme Court in case No. 5808/2017 dated 17.05.2018. The petitioner also admitted that he never appeared in written examination and he was appointed as per Hon'ble Supreme Court's order.

Under the circumstances state above, we are of the considered 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. The Work Done Certificate issued under the name of the Headmaster and the attendance of the petitioner in a separate Attendance Register would not legalize the Recruitment of the petitioner in accordance with law.


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)