

## OBSERVATION

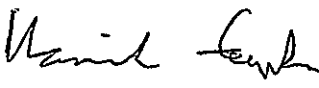
**Rabiul Molla**, Assistant Teacher, History (Pass) : The petitioner is claiming himself as Assistant Teacher, History (Pass) on the strength of the Resolution no. 01/MC/Appt./18 dated 04.12.2018 of the Managing Committee. The petitioner has filed a Photostat copy of Resolution dated 24.11.2018 wherefrom, it is crystal clear that recruitment rules being no. 486-MD/O/2M-11/2016 dated 03.03.2016 have not been complied with in the alleged recruitment of the petitioner. The petitioner had no requisite qualification to be appointed as Assistant Teacher of History (Pass). The petitioner himself admitted that he did not appear in any written examination or before an Interview Board for being recruited as Assistant Teacher. The petitioner stopped visiting the Madrasah on and from 20.03.2020.

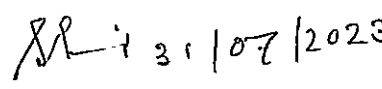
The Headmaster and D.I. of Schools have also stated that the petitioner was never recruited following the rules of recruitment being 486-MD/O/2M-11/2016 dated 03.03.2016 and no intimation was given to the State of West Bengal at the time of alleged recruitment of the petitioner in terms of Sec-4(1) of The West Bengal Schools (control of expenditure) Act 2005.

The previous Teacher-in-Charge, Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

In absence of any valid Resolution of the Managing Committee, to show that recruitment rules were strictly followed in the alleged recruitment of the petitioner and the signature of the petition in the official Attendance Register, we are of the considered view that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.

  
1. Justice Debi Prosad Dey  
(Chairman) 31/07/23

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

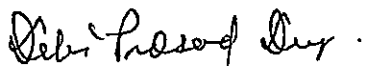
  
3. Shri Sripati Mukhopadhyay  
(Member)

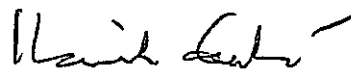
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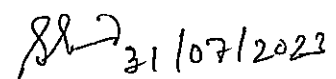
Aparup Saha, Assistant Teacher, Bengali (H/PG) : Admittedly, the petitioner obtained 37% marks in B.Com (Pass) examination and had no requisite qualification to be appointed as Assistant Teacher. The petitioner did not appear in any written examination or appeared before any Interview Board for being recruited as Assistant Teacher. Curiously enough, the appointment letter of the petitioner reveals that as per decision dated 19.08.2019 vide special meeting no. 1 the petitioner was given appointment by the Managing Committee. Record reveals that on 19.08.2019, there was no Managing Committee and the previous Managing Committee was permitted to continue to function with regard to day to day affairs and shall not take any policy decision or major financial decision as per the order of Hon'ble High Court in WT no. 12469 (W of 2019). Sec-4(1) of The West Bengal Schools (control of expenditure) Act 2005 provides that the school authority must intimate/take permission of the State Government for recruitment of any Teacher since the financial liability of the State Government arises as and when such appointment is made. The very appointment of the petitioner without having any Managing Committee and without having any requisite qualification appears to have been manufactured. There is no signature of the petitioner in the Attendance Register produced by the Headmaster.

The previous Teacher-in-Charge Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.

  
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(Chairman) 31/07/2023

  
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(Member)

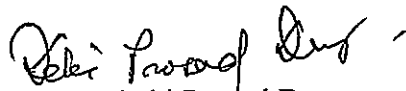
  
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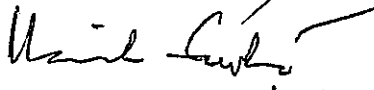
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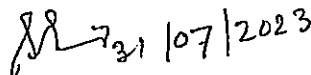
Nali Sardar, Assistant Teacher, Bengali (H/PG) : Admittedly, having no B.Ed. degree and requisite qualification to be appointed as Assistant Teacher Bengali (H/PG) is claiming himself to be an Assistant Teacher, Bengali (H/PG) in terms of Resolution no. SPL-01/KHM/HS/2017 dated 24.07.2017. Admittedly, the petitioner had no B.Ed. degree on the date of his joining at the Madrasah. The original Resolution Book of the Managing Committee does not reveal any such Resolution of 2017 by which the petitioner was allegedly appointed. The petitioner could not produce any Attendance Register or any Work Done Certificate. The Headmaster has stated that the petitioner never worked or never reported as Assistant Teacher in that Madrasah. The D.I. of School also corroborated such statement by filing a report against the petitioner.

The previous Teacher-in-Charge, Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

Under the circumstances, we are of the considered opinion that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016.

  
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(Chairman) 31/07/2023

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

  
31/07/2023

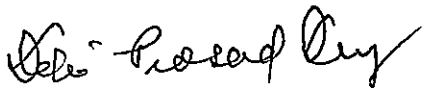
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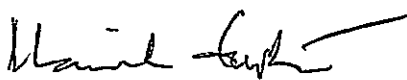
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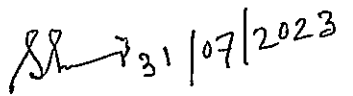
**Sourav Das**, Assistant Teacher, English (H/PG) : Admittedly, having no B.Ed. degree and requisite qualification to be appointed as Assistant Teacher, he is claiming himself to be an Assistant Teacher, English (H/PG) in terms of Resolution no. SPL-01/KHM/HS/2017 dated 24.07.2017. Admittedly, the petitioner had no B.Ed. degree on the date of his joining at the Madrasah. The original Resolution Book of the Managing Committee does not reveal any such Resolution of 2017 by which the petitioner was allegedly appointed. The petitioner could not produce any Attendance Register or any Work Done Certificate. The Headmaster has stated that the petitioner never worked or never reported as Assistant Teacher in that Madrasah. The D.I. of School also corroborated such statement by filing a report against the petitioner.

The previous Teacher-in-Charge Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

Under the circumstances, we are of the considered opinion that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016.

  
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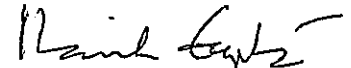
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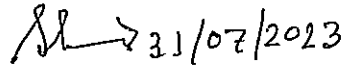
Anik Halder, Assistant Teacher, Bengali (H/PG) : Admittedly, the petitioner was never recruited following the rules of recruitment and having no requisite qualification to be appointed as Teacher. The petitioner did not appear in any written examination or appeared before any Interview Board for being recruited as Assistant Teacher. Curiously enough, the appointment letter of the petitioner reveals that as per decision dated 19.08.2019 vide special meeting no. 1 the petitioner was given appointment by the Managing Committee. Record reveals that on 19.08.2019, there was no Managing Committee and the previous Managing Committee was permitted to continue to function with regard to day to day affairs and shall not take any policy decision or major financial decision as per the order of Hon'ble High Court in WT no. 12469 (W of 2019). Sec-IV (West Bengal Schools (control of expenditure) 2005, provides that the school authority must intimate/take permission of the State Government for recruitment of any Teacher since the financial liability of the State Government arises as and when such appointment is made. The vary appointment of the petitioner without having any Managing Committee and without having any requisite qualification appears to have been manufactured. There is no signature of the petitioner in the Attendance Register produced by the Headmaster.

The previous Teacher-in-Charge Manjuara Khatun (worked as Teacher-in-Charge from 01.05.2012 to 29.12.2021) specifically stated that the Petitioner was never appointed following the rules of recruitment and there was no Resolution adopted by the Managing Committee for the recruitment of the petitioner. She has also submitted a declaration to that effect under her own handwriting and signature.

Under the circumstances stated above, we have no hesitation to say that the petitioner was never recruited following the rules of recruitment being no. 486-MD/O/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah.

  
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(Chairman)

  
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(Member)

  
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(Member)