

OBSERVATION

Tanmoy Pal, Assistant Teacher, History (Pass) :-The petitioner, Tanmoy Pal is claiming himself that he was appointed as Assistant Teacher, History (Pass) of the Rambag Siddiquia Jr. High Madrasah, Purba Medinipur on 03/12/2019 and he has been working in that Madrasah since 16/12/2019. The petitioner obtained 47% marks in his B.A. examination and B. ED. degree in the year 2014.

Admittedly, the petitioner obtained less than 50% in aggregate and thereby, ineligible to be appointed as Assistant Teacher. In other words, the petitioner had no requisite qualification to be appointed as Assistant Teacher of the Madrasah.

Secondly, the Managing Committee of the Rambag Siddiquia Jr. High Madrasah, Purba Medinipur was recognized as new setup Jr. High Madrasah on 27/10/2010 vide Memo. No. 4378 for one year, subject to fulfilling of the condition mentioned in such letter of recognition.

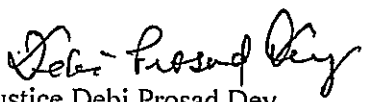
The document filed by the Headmaster reveals that finally, the Board extended the term of Ad-hoc Managing Committee of Rambag Siddiquia Jr. High Madrasah, for one year with effect from 18/05/2019 vide Memo. No. 774/1(2)/MC/19 dated 02/07/2019.

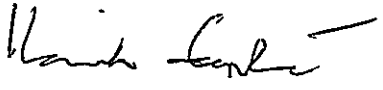
Admittedly, the Ad-hoc Managing Committee of the Madrasah cannot recruit teachers out of its own but, the teachers of the new setup of the Madrasah should be appointed by the Managing Committee only on the recommendation of the West Bengal Madrasah Service Commission for selection of teachers in the Madrasah. Therefore, on 03/12/2019, 16/12/2019, there was no valid sanction of the Madrasah and the Ad-hoc Managing Committee had no lawful authority to appoint/recruit any full time teacher in the Madrasah. The Work Done Certificate, advertisement made in the Newspapers etc. have become redundant for want of recognition of the Madrasah and its Managing Committee. The attested copy of the Attendance Register also become redundant, since the Ad-hoc Managing Committee had no authority to recruit teachers. The Resolution of the Ad-hoc Managing Committee could not be verified for want of the original Resolution Book. The advertisement in the Newspapers sent to the Government for approval etc. also become redundant for not having valid sanctioned Madrasah and its Managing Committee. The D.I./ADI of Schools, Purba Menidipur, Mr. Subhasis Mitra, by filing a specific report, has stated that the Madrasah Committee was not recognized by the Board and that alleged appointment of teachers was never made following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. As per the report of the DI of School, the petitioner was never recruited with the permission of the ADI, Contai or DI of School, Purba Medinipur.

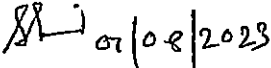
M. Subhasis Mitra 825
01/8/23

The statement of the Headmaster, Mr. Md. Mahboob Hossain, cannot be accepted without perusing the original Resolution of the Madrasah and the original Attendance Register. There was no vacancy existed on 03/12/2019 as Assistant Teacher, History (Pass) in the Madrasah.

Under the circumstances stated above, we are of the definite opinion that the petitioner, Tanmoy Pal 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 as legally recruited Assistant Teacher in the Madrasah. The document filed by the petitioner, can safely be ignored, having regard to the fact that the petitioner had no requisite qualification to be appointed as Assistant Teacher of the Madrasah and the Ad-hoc Managing Committee had no legal right to recruit any teacher for the Madrasah.


1) Justice Debi Prosad Dey
(Chairman) 07/08/23


2) Shri Manish Gupta 07/08/2023
(Member)


3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

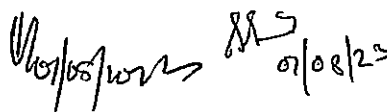
Barun Maity, Assistant Teacher, Pure Science (Pass):-As per the statement of the petitioner, Barun Maity, he was recruited on the basis of the decision of the Ad-hoc Managing Committee of the Madrasah vide Meeting No.01/19/SLP dated 13/11/2019 as Assistant Teacher. In absence of the original Resolution Book of the Ad-hoc Managing Committee, we cannot accept the said Resolution of the Ad-hoc Managing Committee.

Secondly, the Managing Committee of the Rambag Siddiquia Jr. High Madrasah, Purba Medinipur was recognized as new setup Jr. High Madrasah on 27/10/2010 vide Memo. No. 4378 for one year, subject to fulfilling of the condition mentioned in such letter of recognition.

The document filed by the Headmaster reveals that finally, the Board extended the term of Ad-hoc Managing Committee of Rambag Siddiquia Jr. High Madrasah, for one year with effect from 18/05/2019 vide Memo. No. 774/1(2)/MC/19 dated 02/07/2019.

Admittedly, the Ad-hoc Managing Committee of the Madrasah cannot recruit teachers out of its own but, the teachers of the new setup of the Madrasah should be appointed by the Managing Committee only on the recommendation of the West Bengal Madrasah Service Commission for selection of teachers in the Madrasah. Therefore, on 03/12/2019, 16/12/2019, there was no valid sanction of the Madrasah and the Ad-hoc Managing Committee had no lawful authority to appoint/recruit any full time teacher in the Madrasah. The work done certificate, advertisement made in the Newspaper etc. have become redundant, for want of recognition of the Madrasah and its Managing Committee. The attested copy of the attendance register also become redundant, since the Ad-hoc Managing Committee had no authority to recruit teachers. The Resolution of the Ad-hoc Managing Committee could not be verified for want of the original Resolution Book. The advertisement in the Newspaper, papers sent to the Government for approval etc. also become redundant for not having valid sanctioned Madrasah and its Managing Committee. The D.I./ADI of Schools, Purba Menidipur, Mr. Subhasis Mitra, by filing a specific report, has stated that the Madrasah Committee was not recognized by the West Bengal Board of Madrasah Education and that alleged appointment of teachers was never made following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03/03/2016. As per the report of the DI of School, the petitioner was never recruited with the permission of the ADI, Contai or DI of School, Purba Medinipur.

The statement of the Headmaster, Mr. Md. Mahboob Hossain, cannot be accepted without perusing the original Resolution of the Madrasah and the original attendance register. There was no vacancy existed on 03/12/2019 as Assistant Teacher, Pure Science (Pass) in the Madrasah.


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Under the circumstances stated above, we are of the definite opinion that the petitioner, Barun Maity 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 as legally recruited Assistant Teacher in the Madrasah. The document filed by the petitioner, can safely be ignored, having regard to the fact that the petitioner had no requisite qualification to be appointed as Assistant Teacher of the Madrasah and the Ad-hoc Managing Committee had no legal right to recruit any teacher for the Madrasah.

Debi Prosad Dey

1) Justice Debi Prosad Dey *01/08/23*
(Chairman)

Manish Gupta

2) Shri Manish Gupta *01/08/2023*
(Member)

SR *01/08/23*

3) Shri Sripati Mukhopadhyay
(Member)

OBSERVATION

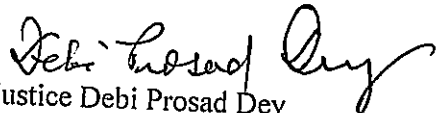
Sandipan Pahari, Assistant Teacher English (Pass): The petitioner is claiming that he was appointed on 03.12.2019 and he has been working in the Madrasah on and from 16.12.2019. Admittedly, the petitioner obtained 46.45% marks in aggregate in his B.A. Examination. That clearly goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher English (Pass).

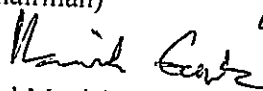
The appointment letter reveals that appointment was given by Ad-hoc Managing Committee of Rambag Siddiqua Jr. High Madrasah.

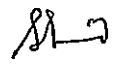
Admittedly, Ad-hoc Managing Committee of Madrasah cannot recruit Teachers but the Teachers are to be recruited through the West Bengal Madrasah Service Commission. Even if there is no existence of such Madrasah Service Commission, the Ad-hoc Managing Committee of a Madrasah cannot recruit any Teacher. Therefore, the recruitment of the petitioner by the Ad-hoc Managing Committee is contrary to the Rules and Regulation as well as the direction given by West Bengal Board of Madrasah Education.

In the premises set-forth above, the document filed by the petitioner showing recruitment process or attendance of the petitioner in the Madrasah, cannot be considered in view of the fact that there was no legality in the alleged recruitment of the petitioner. The A.D.I, Contai as well as D.I, Purba Medinipur also by filing a specific report stated that the Rules of Recruitment were not followed by the Madrasah since the Madrasah was not recognized on the date of alleged appointment.

In such circumstances, we have no hesitation to say that the petitioner, having no requisite qualification, was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and the petitioner did not work in the Madrasah as a legally recruited Teacher. The statement of the acting Teacher-in-charge of the Madrasah cannot be accepted for want of original Resolution Book and for the simple reason that the Ad-hoc Managing Committee was extended by the West Bengal Board of Madrasah Education vide Memo No. 774/1(2)/MC/19 dated 02.07.2019.


1. Justice Debi Prosad Dey
(Chairman) 04/08/2023


2. Shri Manish Gupta 01/08/2023
(Member)


3. Shri Sripati Mukhopadhyay 01/08/2023
(Member)

OBSERVATION


Mahammad Mehboob Hossain, Assistant Teacher, Geography (Pass) : The petitioner is claiming that he was appointed on 03.12.2019 as Assistant Teacher, Geography (pass) and he has been working since 16.12.2019. As per the letter of appointment, the appointment was given to the petitioner by Ad-hoc Managing Committee of the Madrasah vide Meeting No.01/19/SLP dated 30.11.2019.

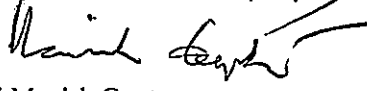
As per report submitted by Secretary, West Bengal Board of Madrasah Education, the Rambag Siddiqua Jr. High Madrasah, Purba Medinipur and it's Managing Committee were never sanctioned by the West Bengal Board of Madrasah Education and practically the Ad-hoc Managing Committee of such Madrasah was extended for the period from 18.05.2019 to 17.05.2020 vide Meeting No.774/1(2)/MC/19 dated 02.07.2019. There was no sanctioned vacancy of the post of Assistant Teacher, Geography (Pass) on 03.12.2019.


The statement of the Headmaster in respect of the Resolutions adopted by the Managing Committee cannot be accepted for non-production of the original Resolution Book of the Managing Committee. The A.D.I., Contai as well as the D.I. of Schools, Purba Medinipur by filing a specific report has categorically stated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the recruitment of the petitioner since the Madrasah and it's Managing Committee were not sanctioned by the West Bengal Board of Madrasah Education.

Ad-hoc Managing Committee of a Madrasah does not have the legal authority to recruit any Teaching/non-Teaching staff. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered for want of legality.

Under the circumstances stated above, we are of 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 worked in the Madrasah as a legally recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 01/08/23

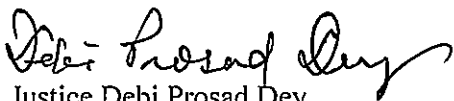
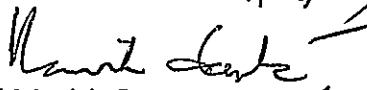
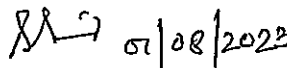

2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Subhasish Pulai , Assistant Teacher Work Education (Pass): The petitioner is claiming that he was appointed as Assistant Teacher Work Education (Pass) on 03.12.2019 and he has been working in the Madrasah on and from 16.12.2019. Admittedly, there was no sanction of the Madrasah and the Managing Committee by the West Bengal Board of Madrasah Education on the date of alleged appointment of the petitioner. There was no sanction post of Assistant Teacher Work Education (Pass) in the madrasah on the date of alleged appointment of the petitioner. The Ad-hoc Managing Committee of Madrasah do^a not have the legal authority to recruit any Teacher. It is apparent from the letter of appointment that the letter of appointment was issued by the Ad-hoc Managing Committee of the Madrasah. No Resolution of the Managing Committee has been placed before us to ascertain that Rules of Recruitment as per Govt. Notification being No. 486-MD/0/2M-11/2016 dated 03.03.2016 were complied with. The A.D.I, Contai cum D.I, Purba Medinipur has also stated by filing a report that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification being No. 486-MD/0/2M-11/2016 dated 03.03.2016. The Assistant Teacher-in-charge by filing necessary document has stated that there was no valid managing Committee but the Ad-hoc Managing Committee was extended by Memo No. 774/1(2)/MC/19 dated 02.07.2019. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered.

Under the circumstances as stated, we have no hesitation to us that the petitioner was never recruited as per Rules of Recruitment being Govt. Notification No. 486-MD/0/2M-11/2016 dated 03.03.2016 and he never worked in the Madrasah as legally recruited Teacher.

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1. Justice Debi Prosad Dey
(Chairman) 01/08/2023
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2. Shri Manish Gupta
(Member) 01/08/2023
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3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATION

Santu Mandal, Assistant Teacher, Bio Science (Pass) : The petitioner obtained 43.57% marks in aggregate in B.Sc. examination and thereby become ineligible to be appointed as Assistant Teacher, Bio-Science (Clerk).. Admittedly, the petitioner had no requisite qualification to be appointed as Assistant Teacher, Bio-Science and there was no sanctioned post of Assistant Teacher, Bio-Science (Pass) on the date of alleged recruitment of the petitioner.

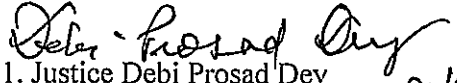
The petitioner is claiming that he was appointed on 03.12.2019 as Assistant Teacher, Bio-Science (Pass) and he has been working since 16.12.2019. The letter of appointment, was given to the petitioner by Ad-hoc Managing Committee of the Madrasah vide Meeting No.01/19/SLP dated 30.11.2019.

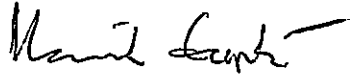
As per report submitted by Secretary, West Bengal Board of Madrasah Education, the Rambag Siddiqua Jr. High Madrasah, Purba Medinipur and it's Managing Committee were never sanctioned by the West Bengal Board of Madrasah Education and practically the Ad-hoc Managing Committee of such Madrasah was extended for the period from 18.05.2019 to 17.05.2020 vide Meeting No.774/1(2)/MC/19 dated 02.07.2019. There was no sanctioned vacancy of the post of Assistant Teacher, Bio-Science (Pass) on 03.12.2019.


The statement of the Headmaster in respect of the Resolutions adopted by the Managing Committee cannot be accepted for non-production of the original Resolution Book of the Managing Committee. The A.D.I. Contai as well as the D.I. of Schools, Purba Medinipur by filing a specific report has categorically stated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the recruitment of the petitioner since the Madrasah and it's Managing Committee were not sanctioned by the West Bengal Board of Madrasah Education.

Ad-hoc Managing Committee of a Madrasah does not have the legal authority to recruit any Teaching/non-Teaching staff. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered for want of legality.

Under the circumstances stated above, we are of 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 worked in the Madrasah as a legally recruited Teacher.


1. Justice Debi Prosad Dey
(Chairman) 08/08/2023


2. Shri Manish Gupta
(Member) 07/05/2022


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATIONS

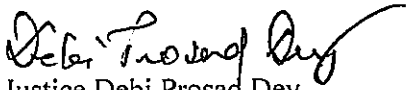
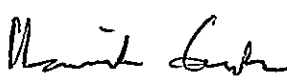
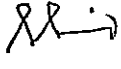
Md. Masud Laskar, Assistant Teacher, Arabic (Pass) : The petitioner is claiming that he was appointed on 03.12.2019 as Assistant Teacher, Arabic (Pass) and he has been working since 16.12.2019. As per the letter of appointment, the appointment was given to the petitioner by Ad-hoc Managing Committee of the Madrasah vide Meeting No.01/19/SLP dated 30.11.2019.

As per report submitted by Secretary, West Bengal Board of Madrasah Education, the Rambag Siddiqua Jr. High Madrasah, Purba Medinipur and it's Managing Committee were never sanctioned by the West Bengal Board of Madrasah Education and practically the Ad-hoc Managing Committee of such Madrasah was extended for the period from 18.05.2019 to 17.05.2020 vide Meeting No.774/1(2)/MC/19 dated 02.07.2019. There was no sanctioned vacancy of the post of Assistant Teacher, Arabic (Pass) on 03.12.2019.

The statement of the Headmaster in respect of the Resolutions adopted by the Managing Committee cannot be accepted for non-production of the original Resolution Book of the Managing Committee. The A.D.I., Contai as well as the D.I. of Schools, Purba Medinipur by filing a specific report has categorically stated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the recruitment of the petitioner since the Madrasah and it's Managing Committee were not sanctioned by the West Bengal Board of Madrasah Education.

Ad-hoc Managing Committee of a Madrasah does not have the legal authority to recruit any Teaching/non-Teaching staff. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered for want of legality.

Under the circumstances stated above, we are of 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 worked in the Madrasah as a legally recruited Teacher.

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1. Justice Debi Prosad Dey
(Chairman) 29/08/2023
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2. Shri Manish Gupta 01/08/2023
(Member)
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3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

OBSERVATIONS

Najma Khatun, Assistant Teacher, Bengali (Pass) : The petitioner obtained 40.44% marks in aggregate in B.A. examination and she had no B.Ed. degree on the date of her alleged joining in the Madrasah. The petitioner had no D.L. Ed. degree also. That clearly goes to show that the petitioner had no requisite qualification to be appointed as Assistant Teacher, Bengali (Pass) and that there was no sanctioned post of Assistant Teacher, Bengali (Pass) on the date of her alleged appointment.

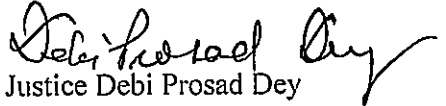
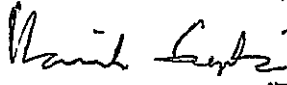
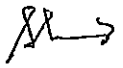
The petitioner is claiming that he was appointed on 03.12.2019 as Assistant Teacher, Bengali (Pass) and he has been working since 16.12.2019. As per the letter of appointment, the appointment was given to the petitioner by Ad-hoc Managing Committee of the Madrasah vide Meeting No. 01/19/SLP dated 30.11.2019.

As per report submitted by Secretary, West Bengal Board of Madrasah Education, the Rambag Siddiqua Jr. High Madrasah, Purba Medinipur and it's Managing Committee were never sanctioned by the West Bengal Board of Madrasah Education and practically the Ad-hoc Managing Committee of such Madrasah was extended for the period from 18.05.2019 to 17.05.2020 vide Meeting No.774/1(2)/MC/19 dated 02.07.2019. There was no sanctioned vacancy of the post of Assistant Teacher, Bengali (Pass) on 03.12.2019.

The statement of the Headmaster in respect of the Resolutions adopted by the Managing Committee cannot be accepted for non-production of the original Resolution Book of the Managing Committee. The A.D.I., Contai as well as the D.I. of Schools, Purba Medinipur by filing a specific report has categorically stated that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were never complied with in the recruitment of the petitioner since the Madrasah and it's Managing Committee were not sanctioned by the West Bengal Board of Madrasah Education.

Ad-hoc Managing Committee of a Madrasah does not have the legal authority to recruit any Teaching/non-Teaching staff. In such circumstances, the documents filed by the petitioner become redundant and cannot be considered for want of legality.

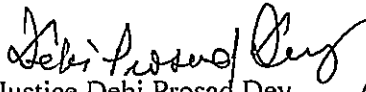
Under the circumstances stated above, we are of considered view that the petitioner was never recruited following the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 and he worked in the Madrasah as a legally recruited Teacher.

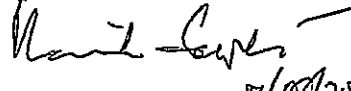
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1. Justice Debi Prosad Dey
(Chairman) 01/08/2023
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2. Shri Manish Gupta 07/05/2023
(Member)
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3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023

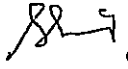
OBSERVATIONS

Nur Mahammad Ali Sha, Group - D : The petitioner is claiming that he was appointed on 23.05.2018 and he has been working as Group-D employee since 01.06.2018. As per the petitioner, Sk. Lijamuddin, Secretary directly handed over the appointment letter to him and thereby he was recruited as Peon. Admittedly, on 23.05.2018, there was no sanction of the Madrasah by the West Bengal Board of Madrasah Education and there was Ad-hoc Managing Committee of the Madrasah. Ad-hoc Managing Committee of the Madrasah has had no legal authority to recruit any Teaching-non-Teaching staff. The Headmaster also produced necessary documents to show that the Ad-hoc Managing Committee was extended till the middle part of 2020. Non-production of the original Resolution Book also does not inspire the confidence of the Committee Constituted by the Hon'ble Supreme Court to hold that such Resolution was actually passed by validly constituted Managing Committee of such Madrasah. The A.D.I., Contai as well as D.I. of Schools, Purba Medinipur has stated by filing a written report that the Rules of Recruitment as per Govt. Notification No. 486-MD/O/2M-11/2016 dated 03.03.2016 were not complied with at the time of recruitment of the petitioner since the Madrasah and its Managing Committee were not recognized by the Board. In that view of this matter, the documents produced by the petitioner as well as Work Done Certificate ought to be ignored if not rejected under the premises set forth above.

We are of 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 that Madrasah as legally recruited Group-D employee.


1. Justice Debi Prosad Dey
(Chairman) 01/08/23


2. Shri Manish Gupta
(Member) 01/08/2023


3. Shri Sripati Mukhopadhyay
(Member) 01/08/2023