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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1605-L.—22nd October, 2008.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXV of 2008

**THE WEST BENGAL MADRASAH SERVICE
COMMISSION ACT, 2008.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 22nd October, 2008.]

*An Act to provide for the constitution of Madrasah Service Commission in West
Bengal and for matters connected therewith or incidental thereto.*

WHEREAS it is expedient to provide for the constitution of Madrasah Service Commission in West Bengal and for matters connected therewith or incidental thereto;

It is hereby enacted in the Fifty-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Madrasah Service Commission Act, 2008.

The West Bengal Madrasah Service Commission Act, 2008.

(Section 2.)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(3) This Act shall apply to all Recognized Non-Government Aided Madrasahs in West Bengal.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “*Ad hoc* Committee” means the *ad hoc* Committee of the Madrasah formed by the West Bengal Board of Madrasah Education;
- (b) “Administrator” means the Administrator appointed by the West Bengal Board of Madrasah Education;
- (c) “Appointing authority” means the Managing Committee, *ad hoc* Committee or the Administrator, as the case may be, and includes, in case of absence of Managing Committee, *ad hoc* Committee or the Administrator, the Headmaster, the Headmistress or the Teacher-in-charge, as the case may be;
- (d) “Board” means the West Bengal Board of Madrasah Education established under the West Bengal Board of Madrasah Education Act, 1994;
- (e) “Chairman” means the Chairman of the Commission;
- (f) “Commission” means the West Bengal Madrasah Service Commission constituted under section 3 of this Act;
- (g) “Competent authority” means the West Bengal Board of Madrasah Education, Director, Public Instruction, Director, School Education, Director, Madrasah Education;
- (h) “Council” means the West Bengal Council of Higher Secondary Education established under the West Bengal Council of Higher Secondary Education Act, 1975;
- (i) “Director” means the Director of Madrasah Education;
- (j) “Headmaster” or “Headmistress” means the head of the teaching staff of a Madrasah, by whatever name designated, and includes Superintendent of Senior Madrasah;
- (k) “Madrasah” means a Recognized Non-Government Aided Senior Madrasah, Junior High Madrasah, High Madrasah or Higher Secondary Madrasah imparting instruction in—
 - (i) High Madrasah Education System within the meaning of sub-clause (i),
 - (ii) Senior Madrasah Education System within the meaning of sub-clause (ii),

West Ben. Act
XXXIX of 1994.

West Ben. Act
VIII of 1975.

of clause (g) of section 2 of the West Bengal Board of Madrasah Education Act, 1994; or

(iii) Higher Secondary Education;

Explanation I.—“recognised” with its grammatical variations, used with reference to a Madrasah, shall mean—

- (a) recognized or deemed to have been recognized under the West Bengal Board of Madrasah Education Act, 1994, or
- (b) recognized under the West Bengal Council of Higher Secondary Education Act, 1975;

Explanation II.—“Aided” with its grammatical variations, used with reference to a Madrasah, shall mean aided by the State Government in the shape of financial assistance towards basic pay of the teachers of Madrasah;

The West Bengal Madrasah Service Commission Act, 2008.

(Sections 3, 4.)

Explanation III.—“basic pay” shall mean the monthly pay of a teacher of a madrasah which corresponds to a stage in the timescale of pay of the post held by the teacher in that madrasah;

Explanation IV.—“Madrasah Education” shall have the same meaning as in clause (g) of section 2 of the West Bengal Board of Madrasah Education Act, 1994;

West Ben. Act
XXXIX of 1994.

Explanation V.—“Higher Secondary Education” shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975;

West Ben. Act
VIII of 1975.

- (l) “Managing Committee” means the Managing Committee constituted under the West Bengal Board of Madrasah Education Act, 1994;
- (m) “member” means a member of the Commission, and includes the Chairman;
- (n) “notification” means a notification published in the *Official Gazette*;
- (o) “prescribed” means prescribed by rules made under this Act;
- (p) “recommended” means recommended by the Commission;
- (q) “regulations” means the regulations made by the Commission under this Act;
- (r) “Secretary” means the Secretary of the Commission;
- (s) “Teacher” means an Assistant Teacher, or any other person holding a teaching post of a madrasah recognized as such by the Board or the Council, as the case may be, and shall include the Headmaster, the Headmistress or the Superintendent;
- (t) “vacant post” means a vacancy, caused by—
 - (i) creation of new post by the State Government, or
 - (ii) retirement, death, resignation, removal or dismissal of any person from the post of teacher, the post having been sanctioned by the Competent authority or the State Government,

but shall not include a short-term vacancy due to deputation, leave or lien and that of a part time post or the post of Assistant Headmaster or Assistant Headmistress.

Constitution of
Commission.

3. (1) The State Government shall, with effect from such date as it may, by notification, appoint, constitute a Commission by the name of the West Bengal Madrasah Service Commission.

(2) The State Government may, if it thinks necessary and deems fit, constitute regional commission by the name of the West Bengal Regional Madrasah Service Commission under the West Bengal Madrasah Service Commission for such region as it may consider necessary or open its branch office, if necessary.

(3) The State Government may, by notification, enlarge or reduce the territorial jurisdiction of a Regional Commission.

Composition of
the Commission.

4. (1) The Commission shall consist of one Chairman and four members.

(2) The Chairman shall be an eminent educationist having profound knowledge in Islamic Culture and well-versed in education and teaching experience, either as a teacher of a university, or as a Principal of a college, for a period of not less than twelve years, or as a teacher, other than Principal of a college, for a period of not less than fifteen years, or an officer of the State Government not below the rank of Joint Secretary.

The West Bengal Madrasah Service Commission Act, 2008.

(Sections 5-7.)

(3) Of the four members under sub-section (1), one shall be a person who, not being an educationist, occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in Legal or Administrative service, one shall be an eminent educationist having profound knowledge in Islamic Theology and Culture, and the others shall have teaching experience, either as a teacher of a university, or as a Principal of a college, for a period of not less than ten years, or as a teacher, other than Principal of a college, or as a Headmaster or Headmistress or Superintendent of a Madrasah, for a period of not less than fifteen years.

Appointment,
terms and
conditions of
service of
Chairman and
members.

5. (1) The Chairman and other members of the Commission shall be appointed by the State Government.

(2) The Chairman and other members, appointed under sub-section (1), shall hold office for a term of four years:

Provided that a person who has held office as Chairman or other members shall, on the expiration of the term of his office, be eligible for further appointment as Chairman or other member:

Provided further that no person who has attained the age of sixty-two years shall be eligible to hold office as Chairman or other member.

(3) If the office of the Chairman or any other member becomes vacant by reason of resignation or otherwise, or if the Chairman is, by reason of absence or for any other reason, unable to perform the duties of his office, then, until a Chairman or other member is appointed under sub-section (1) or until the Chairman resumes his duties, as the case may be, the duties of the Chairman or the other member, as the case may be, shall be performed by such other member as the State Government may appoint in this behalf.

(4) The Chairman or any other member may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(5) The office of the Chairman and other members shall be honorary:

Provided that the State Government may, if it thinks necessary, by notification, declare the post of Chairman to be whole-time.

(6) The salary or the honorarium, as the case may be, and other perquisites of the Chairman and the honorarium of the other members shall be such as may be determined by the State Government.

(7) Subject to the provisions of sub-sections (5) and (6), other terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

Removal of
Chairman and
members.

6. The State Government may, after making inquiry in such manner as may be prescribed, remove the Chairman and other member from his office on the ground of—

- (a) misconduct involving moral turpitude, or
- (b) insolvency, or
- (c) infirmity of body or mind, or
- (d) financial irregularity, or
- (e) corruption.

Staff of
Commission.

7. (1) The staff of the Commission shall consist of—

- (a) a Secretary who shall be appointed by the State Government, and
- (b) such other employees as the Commission may, with the previous approval of the State Government, appoint from time to time.

The West Bengal Madrasah Service Commission Act, 2008.

(Sections 8-12.)

(2) The salary of the Secretary and of the other employees of the Commission shall be such as may be determined by the State Government.

(3) The other terms and conditions of service—

(a) of the Secretary shall be such as may be prescribed, and

(b) of the other employees of the Commission shall be such as may be provided for by regulations.

Functions of
Commission.

8. Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Commission to select and recommend persons to be appointed to the vacant posts of teachers in accordance with the provisions of this Act and the rules made thereunder.

Manner and scope
of selection and
procedure for
conduct of
business of
Commission.

9. (1) The manner and scope of selection of persons for appointment to the posts of teachers in Madrasahs shall be such as may be prescribed.

(2) The procedure for conduct of business of the Commission shall be such as may be provided for by regulations.

Effect of
recommendation
of Commission.

10. Notwithstanding anything contained in any other law for the time being in force or any contract, custom or usage to the contrary, the Managing Committee, the *ad hoc* Committee or the Administrator, as the case may be, shall be bound to appoint the candidate recommended by the Commission to the post of teacher in the madrasah concerned as per vacancy report:

Provided that in the absence of the Managing Committee, *ad hoc* Committee or the Administrator, the Headmaster or the Headmistress or the Teacher-in-charge is empowered to issue appointment letter to the candidate recommended by the Commission. Such matter should be ratified at the next available meeting of the Managing Committee, *ad hoc* Committee or by the Administrator, as the case may be:

Provided further that the Managing Committee, *ad hoc* Committee, the Administrator or the Headmaster or the Headmistress or the Teacher-in-charge as the case may be, shall, if any error is detected in the recommendation, immediately bring it to the notice of the Commission for removal of such error.

Appointment
made in violation
of this Act shall
be invalid.

11. Any appointment of a teacher made on or after the commencement of this Act in contravention of the provisions of this Act shall be invalid and shall have no effect and teacher so appointed shall not be a teacher within the meaning of clause (s) of section 2.

Penalty.

12. (1) If the Managing Committee, the *ad hoc* Committee or the Administrator of a Madrasah, as the case may be, refuses, fails or delays to issue appointment letter to the candidate recommended by the Commission within the period stipulated in the letter of recommendation by the Commission, without any reasonable ground, the State Government may direct the Board to dissolve the Managing Committee or the *ad hoc* Committee, or discharge the Administrator, as the case may be, or stop all financial assistance to such Madrasah recording reasons thereof and may also issue direction upon the Board or Council, as the case may be, to withdraw recognition or affiliation of such Madrasah.

(2) In case of failure to issue appointment letter to the candidate recommended by the Commission is on the part of the Superintendent, the Headmaster, the Headmistress or the Teacher-in-charge of a Madrasah, he shall be subject to such disciplinary proceedings as may be prescribed.

The West Bengal Madrasah Service Commission Act, 2008.

(Sections 13-19.)

Protection of
teachers.

13. Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of teachers in the employment of a Madrasah immediately before the commencement of this Act, shall not be varied to the disadvantage of such teachers in so far as such terms and conditions relate to the appointment of such teachers to the posts held by them immediately before the commencement of this Act.

Power of
Commission to
call for records
etc.

14. The Commission may call for any record, report or other information from any Madrasah or Board or Council if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the Madrasah or the Board or the Council, as the case may be, shall furnish such record, report or the information to the Commission.

Submission of
report to the State
Government.

15. It shall be the duty of the Commission to present annually to the State Government a report as to the work done by the Commission and, on receipt of such report, the State Government shall cause a copy thereof to be laid before the State Legislature.

Members etc. to
be public servants.

16. The Chairman and other members and persons appointed under this Act shall, while acting or purporting to act under this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Validation.

17. The proceedings of the Commission shall not be invalid by reason of any vacancy in the office of the Chairman or any other member.

Power to make
rules.

18. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

- (a) the terms and conditions of service of the Chairman and other members under section 5;
- (b) the manner in which an inquiry is to be made for removal of the Chairman or any member under section 6;
- (c) the terms and conditions of service of the Secretary under section 7;
- (d) the manner and scope of selection of persons for appointment to the posts of teachers under section 9;
- (e) any other matter which may be, or is required to be, prescribed.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

Powers to make
regulations.

19. (1) The Commission may, with the previous approval of the State Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, for discharging the functions of the Commission under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters:—

- (a) the terms and conditions of service of the employees of the Commission under section 7;
- (b) the procedure for the conduct of business of the Commission under sub-section (2) of section 9.

The West Bengal Madrasah Service Commission Act, 2008.

(Sections 20-23.)

Direction by State
Government.

20. In the discharge of its functions, the Commission shall be guided by such directions as may be given to it by the State Government in conformity with the provisions of this Act.

Dissolution of
Commission.

21. (1) If the State Government is of the opinion that the Commission has failed to discharge its functions under this Act in accordance with the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, and stating the reasons therefor, dissolve the Commission with effect from such date as may be specified in the order.

(2) Upon the dissolution of the Commission under sub-section (1), all the members of the Commission shall be deemed to have vacated their respective offices with effect from the date of such dissolution.

(3) The State Government may, at any time after the dissolution of the Commission under sub-section (1), reconstitute the Commission in accordance with the provisions of this Act.

Removal of
difficulties.

22. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State Government may consider necessary for removal of such difficulties.

Cessation of
Interim
Committee.

23. On and from such date when the Commission starts functioning under section 3 of this Act, the pending and incomplete work of Interim Committee constituted *vide* Notification No. 94-MD, dated the 21st January, 2008, issued by the State Government shall switch over to the Commission which shall have the power to dispose of the same and the Interim Committee shall cease to exist immediately.

By order of the Governor,

ANINDYA BHATTACHARYYA,
Secy.-in-charge to the Govt. of West Bengal,
Law Department.



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FRIDAY, NOVEMBER 12, 2010

[SAKA 1932

PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

MINORITY AFFAIRS AND MADRASAH EDUCATION DEPARTMENT

NOTIFICATION

No. 1641-MD.—11th November 2010.—In exercise of the power conferred by section 18 read with sections 8, 9 and 24 of the West Bengal Madrasah Service Commission Act, 2008 (West Ben. Act XXV of 2008), the Governor is pleased hereby to make the following rules namely :—

RULES

CHAPTER - I

Preliminary

1. Short title, commencement and application—

- (1) These rules may be called the West Bengal Madrasah Service Commission Recruitment (Selection and Recommendation) of persons for Appointment and Transfer to the Posts of Teacher and non-teaching Staff) Rules, 2010.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.
- (3) These rules shall apply to all Recognised Non-Government Aided Madrasahs in West Bengal.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (i) “Act” means the West Bengal Madrasah Service Commission Act, 2008 (West Ben. Act XXV of 2008) ;
- (ii) “Area” means the area in which the Madrasah is situated, where vacancies/vacancy exists/s and the same may be a district or sub-division or corporation as may be determined by the Commission.
- (iii) “Category” in relation to a post of —
 - (a) “Teacher” means Headmaster/Headmistress, Superintendent, Assistant Teacher in the Hons./Post-Graduate, Pass-Graduate or Under-Graduate category ;
 - (b) “non-teaching Staff” means the non-teaching staff as defined in clause (mm) of section 2 of the Act ;
- (iv) “Certificate” means a certificate passing Madhyamik Pariksha or High Madrasah Examination or Alim or Fazil or Higher Secondary Examination or equivalent obtained from the West Bengal Board of Secondary Education or West Bengal Board of Madrasah Education or other recognised Board or Institution constituting West Bengal Council of Higher Secondary Education or Rabindra Mukta Vidyalaya Samsad or other recognized Board of Institution, University or Certificate in Library Science obtained from an institution recognized by the Government or University or certificate passing 8th Standard, issued by any recognized educational institution, school or madrasah or a Madrasah Shiksha Kendra, Madhyamik Shiksha Kendra or Madhyamik Shiksha Kendra (Senior Madrasah type) approved by the Director of Madrasah Education under the Minority Affairs and Madrasah Education Department or approved Madhyamik Shiksha Kendra under the Panchayet and Rural Development Department, Government of West Bengal ;
- (v) “Commission” means the West Bengal Madrasah Service Commission ;

- (vi) "Compassionate ground" means death or physical inability or incapacitation before attaining 58 years of age (duly declared by the Medical Board) of an approved teacher or non-teaching staff of a Madrasah ;
- (vii) "concerned subject" in relation to a post of teacher, means a subject or subjects against which a vacancy has occurred or has been reported or will occur within the stipulated period as determined by the Commission for the purpose of selection of a person to the post ;
- (viii) "Degree" or "Diploma" means—
 - (a) Bachelor or Master Degree or any Diploma obtained through regular course as a regular or private or external candidate from a University recognized by or affiliated to University Grants Commission ;
 - (b) Bachelor or Master Degree or any Diploma obtained through distance education system or correspondence course from a University recognized by the University Grants Commission or the Distance Education Council ;
- (ix) "Director" means the Director of Madrasah Education, West Bengal ;
- (x) "District Inspector of Schools", in relation to a Madrasah means the District Inspector of Schools (Secondary Education) exercising jurisdiction in respect of the Madrasah ;
- (xi) "Head of the Madrasah" means and includes Headmaster, Headmistress, Superintendent and Teacher-in-Charge ;
- (xii) "Honours or Post Graduate Vacancy" means a vacancy for the post of a teacher in a Madrasah against which only the person holding a Bachelor degree in the Honours level or Post graduate degree, can be appointed ;
- (xiii) "Madrasah Authority" means and includes Managing Committee, Ad hoc Committee and Administrator of the Madrasah ;
- (xiv) "Mutual Transfer" means the mutual change of places of work of two teachers or non-teaching staff of two Madrasahs, of the same category and or subject to the approval of higher authority ;
- (xv) "Panel" means a list published by the Commission containing the names of candidates equal to number of vacancies declared found fit for appointment strictly in order of merit ;
- (xvi) "Pass Vacancy" means a vacancy for the post of a teacher in a Madrasah against which a person holding a Bachelor degree minimum in the pass course level can be appointed ;
- (xvii) "Post" means a whole-time sanctioned post of Madrasah of any of the following :—

A. Teaching category of—

- a) Headmaster /Headmistress in High /Higher Secondary Madrasah or Superintendent in Senior Madrasah ;
- b) Headmaster /Headmistress of a Jr. High Madrasah ;
- c) Assistant Teacher against Honours /Postgraduate vacancy,
- d) Assistant Teacher against Pass vacancy,
- e) Assistant Teacher against Undergraduate vacancy,

B. Non - teaching category of —

- a) Librarian
- b) Group - C (Clerk)
- c) Group - D (Peon / Matron / Lab. attendant / Night Gurard, etc.)

- (xviii) "Region" means and includes a few districts taken together for the purpose of selection as to be notified from time to time by the Government.
- (xix) "Schedule" means Schedules appended to these rules;
- (xx) "State" means the State of West Bengal ;
- (xxi) "State Government" means the Government of West Bengal in the Minority Affairs and Madrasah Education Department.
- (xxii) "Sub-rule" means sub-rule of a rule in which the word or expression occurs.
- (xxiii) "Teacher" means and includes Headmaster, Headmistress, Superintendent, Assistant Teacher of different categories, viz. Hons. / Post-Graduate, Pass-Graduate, Under-Graduate, etc.
- (xxiv) "Transfer" means change of place of work of an approved teacher or non-teaching staff from one Madrasah to another in the post of same category and or subject as prescribed later on.
- (xxv) "Undergraduate Vacancy" means vacancy for the post of a teacher against which a person having at least passed the H. S. or Fazil or equivalent examination (as the case may be), can be appointed ;
- (xxvi) "University" means a university recognized by / affiliated to University Grants Commission or constituted under the act of the Central / State Government or an institution accepted by the Central / State Government as equivalent to an Indian University.
- (xxvii) "Vacancy" means a vacancy in the post of teacher including Headmaster / Headmistress / Superintendent or

Non-Teaching Staff including Librarian caused by —

- a) Creation of new post,
- b) Superannation, (of a teacher or non-teaching staff)
- c) Voluntary Retirement,
- d) Death, (of a teacher or non-teaching staff)
- e) Acceptance of the resignation (tendered by a teacher or a non-teaching staff) by the appointing authority,
- f) Removal or dismissal (of a teacher or a non-teaching staff) by competent authority and duly approved by the West Bengal Board of Madrasah Education,
- g) Recognition of newly set-up Madrasah,
- h) Up-gradation of a Jr. High Madrasah / Sr. Madrasah / High Madrasah into High Madrasah / Sr. Madrasah with Fazil Course / Higher Secondary Madrasah respectively or
- i) any other reason, as the State Government may, by order determine.

(xxviii) "Waiting List" means in relation to-

- a) Headmaster/Headmistress/Superintendent,—
a list of candidates named in order of merit containing names of candidates equal to 0.25 times the number of vacancies occurred/declared or will occur within the stipulated period for a State/Regional Level Selection Test category, medium & gender wise.
- b) Assistant Teachers—a list of candidate named in order of merit containing names of candidates equal to 0.10 times of the number of vacancies occurred/declared or will occur within the stipulated period for a State Level Selection Test category-wise, subject-wise, medium-wise, gender-wise and
- c) Librarian—a list of candidates named in order of merit containing names of candidates equal to 0.10 times the number of vacancies occurred/declared or will occur within the stipulated period for a State/Region/Area Level Selection Test for the said category.
- d) Group-C staff (clerk)—a list of candidates named in order of merit containing names of candidates equal to 0.10 times the number of vacancies occurred/declared or will occur for a State/Region/Area Level Selection Test for the said category.
- e) Group-D staff—a list of candidates named in order of merit containing names of candidates equal to 0.10 times the number of vacancies occurred/declared or will occur for a State/Region/Area Level Selection Test for the said category.

N.B. : Separate panels/lists may be prepared within the Group-D category post-wise e.g. Lab. Attendant/Matron etc., as may be determined by the Commission.

(2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

CHAPTER-II

Provision regarding post, qualification, age etc.

3. Names of post, qualification and age—(1) The name of the post and its qualification shall, subject to rules 4 & 5, be such as specified respectively in columns (2) and (3) of Schedule I :

Provided that a person having the desirable qualification mentioned in column (2) against the posts mentioned in Sl. Nos. 4, 5, 6, 7, 8, 10, 11, 12, 13, 15 of column (1) of Schedule I shall, if qualified in written examination, get preference over the candidate, who has qualified in written examination but has no desirable qualification.

(2) The age-limit for the post referred to in column (2) shall be such as specified in column (4) of the Schedule I :

Provided that the person who is already in approved service in the sanctioned post of Teacher or Non-teaching Staff of any Madrasah/School may apply for the post of Teacher and Non-teaching Staff within maximum age of 55 years as on 1st January of the year of advertisement.

4. Additional essential qualification of candidate—A candidate willing to be selected as a Teacher or Non-teaching Staff in any Madrasah, having Bengali or English or Hindi or Nepali or Oriya or Santhali or Telegu or Urdu as the medium of instruction, must have Bengali or English or Hindi or Nepali or Oriya or Santhali or Telegu or Urdu, as the case may be, as first or second or third language at any of the Secondary or Higher Secondary or Graduation level - at Secondary level of the

West Bengal Board of Secondary Education or West Bengal Board of Madrasah Education or equivalent or at Higher Secondary level of the West Bengal Council of Higher Secondary Education or equivalent or at Fazil level of the West Bengal Board of Madrasah Education or equivalent; or at any subsequent higher level—of education in that language paper or must have passed a language (relevant to the medium) course of at least one year's duration from a University or Institute.

5. Disqualification—

- (1) No person shall be eligible for selection for appointment to any post teaching or Non-teaching, in any Madrasah—
 - a) unless, she/he is a citizen of India.
 - b) if she/he has accepted or offered dowry in any form at the time of his/her marriage or his/her son's/daughter's marriage.
- (2) No male candidate shall be eligible for selection for appointment to the post of teacher of a Girl's Madrasah. However, a male candidate may be appointed to a post of Non-teaching staff of a Girl's Madrasah provided that there is at least one lady staff in the Non-teaching Category.

CHAPTER-III

Scope, Method & Manner of selection

6. Scope —

- (1) The scope of selection is limited to vacancy(ies) against regular fulltime sanctioned post(s) already occurred/to be occurred on/after the date of advertisement within the 1st January next ensuing.
- (2) Out of the vacancies (teaching and Non-teaching) up to 10% in each category of post barring those of HM/ Superintendent may be filled up from enlisted candidates in Death-in-harness and permanently incapacitated category.

Explanation :

The Commission shall fill-up the rest of the vacancies out of 10% by others in order of merit if suitable eligible candidate(s) for appointment on compassionate ground, is/are not available for the particular category of post in a particular year.

7. Method of selection —

The selection of persons to the different posts mentioned in column (2) of Schedule I shall be made through the Commission—

- (a) by selection (direct recruitment) through the Commission in the manner as specified later on in these rules ;
- (b) on compassionate ground in the manner as specified in Chapter-X of these rules.

8. Manner of selection —

- (1) Selection to any post shall be made on the basis of results of the State/Region/Area Level Selection Test, as may be decided by the Commission, which may comprise any, some or all of the following (as the case may be) —

- a) Written Examination,
- b) Evaluation of Qualification,
- c) Personality Test,
- d) Aptitude Test,

of the candidates, as the case may be, in the manner as specified in Schedule III.

- (2) The Commission may, in its discretion, fix the minimum qualifying marks to be scored/obtained by the candidates in written examination or in aggregate or in both and relax the qualifying marks on reasonable ground(s) to be recorded in writing.
- (3) In case of appointment on compassionate ground i.e. from Death-in-harness & permanently incapacitation category, the Commission may select from the enlisted candidates on the basis of personality test or evaluation of qualifications or on both even in relaxation of the written test as the Commission may deem fit.

CHAPTER-IV

Vacancies & Advertisement

9. Vacancy(ies)—

- (1) **Report of vacancies**—The District Inspectors of Schools (SE) or any other authorized officer as may be entrusted by the Commission in writing, shall prepare a report regarding the number of vacancies in approved/sanctioned posts which exist(s) or is/are expected to occur within the 1st day of January next ensuing, and shall furnish the same to the Commission at least 15 days before the date of publication of the advertisement.

- (2) **Compilation of vacancies**—The Commission shall, on receipt of the report under Sub-rule (1), compile and maintain computerized data on vacancies, district-wise & Subject/post, medium, category and gender-wise with the help of District Inspector of Schools (SE) or any other officer mentioned in sub-rule (1), if necessary, before the date of publication of the advertisement inviting applications.
- (3) **Updating of vacancies**—The Commission shall finally update the number of vacancies occurred & to be occurred within the 1st January next ensuing of the year of advertisement post/subject, medium, category, and gender-wise as well as district-wise, if required, before the publication of the result of written test.

10. Advertisement—

- (1) The Commission shall, on the basis of available tentative vacancies for the stipulated period after receipt of the report of vacancies under Rule 9(1) & compilation of those under Rule 9(2), issue/publish and advertisement through daily newspapers in the State in English, Bengali, Urdu or in any other languages, if necessary, and also through the Website of the Commission.
- (2) Such advertisement shall be issued/published specifying the vacancies, qualifications, age as on the 1st day of January of the year of advertisement, and other necessary information relating to such posts, details of which may be obtained through the website of the Commission and from the Office of the Commission.
- (3) While specifying the vacancies in the advertisement, the Commission shall, in case of the post of
- Headmaster / Headmistress / Superintendent** — Publish a provisional / tentative vacancy list at the time of inviting application for State / Region Level Selection Test and a final vacancy list at the time of publication of the result of written examination by declaring the actual vacancies that have occurred / been reported.
 - Assistant Teacher** — Publish a provisional (tentative) vacancy list (medium / post / subject / category / gender wise) at the time of inviting application for State / Region Level Selection Test by declaring the tentative vacancies that have been reported and a final vacancy list at the time of publication of the result of the written examination declaring the actual vacancies that have occurred / been reported or will occur within the stipulated period.
 - Librarian, Clerk & Group-D staff** — Publish the tentative and revised (actual) numbers of vacancies of each category at the time of inviting applications for State / Region Level Selection Test by declaring the tentative vacancies that have been reported and publication of the result of the written test and at the time of publication of the result or at the time of calling for personality test / interview respectively ;

Provided that the Commission may seek application for the posts of Clerk and Group-‘D’ District-wise and application of Librarians Region-wise.

CHAPTER-V Application & Screening

11. Form of application & fee thereof—

- (1) The Form of application for State / Region / Area Level Selection Test for appointment to any post shall be such as may be determined by the Commission from time to time.
- (2) The Form of application may be published in the daily Newspapers of the Commission’s Website or both, or may be saleable, as may be determined by the Commission.
- (3) The cost of the application Form or the application Fee (money) if applicable, shall be such as may be fixed by the State Government from time to time in consultation with the Commission.

12. Submission of applications—

- (1) The duly filled-in application Form in the prescribed format with fees, if any, shall be submitted within such time and in such manner at such place (s) as may be specified by the Commission in the advertisement.
- (2) An Approved in-service teacher or Non-teaching staff of a School / Madrasah may apply only after completion of one year of approved service in case of a vacancy of higher scale and of two years of approved service in case of vacancy of the same scale.

13. Processing, Screening of applications—

- (1) The Secretary of the Commission shall arrange for proper custody of all the applications which may be received by it against different vacancies.
- (2) The Commission shall generate a computerized data-base of all the candidates (applicants), prepare a list of eligible candidates as well as list of rejected applications medium, post, category, subject-wise after due screening.
- (3) In case of rejection of any application, the cause of rejection should be stated against the application in the data base to be displayed in the Commission’s Website so that any applicant may know the reason of rejection of his / her application.

CHAPTER-VI**Arrangement, Holding & Conduct of Written Test**

14. Issue of Admit Cards —The Commission shall, for written test, take necessary action for generation and issuance of admit cards mentioning date, time & venue of written test, by regd./speed post/courier service or by any other mode as deemed fit by the Commission giving at least 20 days gap between the date of issue of admit card and the date of written test to the eligible candidates.

15. Arrangement of Written Test—

- (1) The Commission shall arrange for written test under its direct supervision and control.
- (2) The Commission shall determine the scheme and syllabus of the written test, prepare question papers and distribute the same to the examination venues through the custodian appointed by the Commission.
- (3) The Commission shall —
 - i) appoint paper-setters, moderators and observers ;
 - ii) approve the lists of examiners and experts ;
 - iii) fix the rates of remuneration for paper-setters, Moderators, experts, observers, Coordinators and all other persons concerned with the conduct of examinations .
- (4) The Commission shall determine the number of paper(s) for written test, contents of each paper, duration of examination and other matters relating to the State/ Region/ Area Level Selection Test as the case may be.

16. Holding & Conduct of Written Test —

- (1) The Commission shall hold written test of all the eligible candidates.
- (2) The Commission shall decide the procedure and the manner of conducting the State/Region/Area Level Selection Test, and prepare detailed instructions in this regard in accordance with the provisions of the Act and the rules made thereunder :
- (3) The Commission shall —
 - i) Select the examination centres ;
 - ii) appoint Officer-in-charge for examination centres, custodians of confidential papers, supervisors, venue-in-charge, invigilators, observers and
 - iii) make necessary arrangement for the conduct of examinations and collection of answer-scripts/sheets.

Provided that the Commission may hold Screening Test before holding Written Test, in case the number of candidates/ applicants in any category of post is huge, particularly in case of selection of clerks and Group-D staff in the manner as the Commission may deem fit and proper.

CHAPTER-VII**Evaluation & Personality Test**

17. Evaluation of Answer-Scripts/Sheets : The Commission shall get the answer scripts/sheets of the written examination evaluated by the examiners/computer based technique and prepare evaluation sheet medium, post, subject, category and gender wise on the basis of such evaluation.

18. Preparation of list of candidates for Personality Test —After the evaluation of the answer sheets of the written examination, the Commission shall prepare medium, post, subject, category and gender-wise list of the candidates; who shall qualify for personality test on the basis of the marks obtained by him/her in the written test and evaluation of academic and professional qualification (to be calculated on the basis of statement made in regard to academic qualification by a candidate at the time of submission of the application form) taken together and also teaching experience as per Schedules II & III, if applicable ;

Provided that the number of qualified candidates for every category (of post) and/or subject (teacher and non-teaching staff) to be called for the personality test in order of merit, shall not exceed 1.5 times of the number of actual vacancy(ies);

Provided further that if more than one candidate scores same marks at the last rank/position of the list of qualified candidates, all such candidates at that position shall be called for the personality test.

19. Intimation letter —After preparation of the list of eligible qualified candidates, the Commission shall call the candidates for Personality Test through Registered Post or Speed Post or Courier Service or by any other mode as the

Commission may deem fit, mentioning the date, time and venue of Personality Test at least 20 (twenty) days ahead of the Personality Test :

Provided that the candidate can also obtain such information from the office or through the Website of the Commission.

20. Holding and Conduct of Personality Test —The Commission shall hold and conduct the personality test of selected eligible candidates forming Personality Test Board(s).

21. Formation of Personality Test Board —For the purpose of holding Personality Test in the State/Regional/Area Level Selection Test, the Personality Test Board, to be constituted, shall comprise the following members :—

(1) For the Post of Headmaster/Headmistress/Superintendent :

- a. One member of the West Bengal Madrasah Service Commission, Chairman ;
- b. An expert having administrative experience, either as Principal of any recognized College or as an Officer not below the rank of Dy. Registrar of a recognized University of West Bengal or Head of a Higher Secondary School/Madrasah having experience of at least ten(10) years in that capacity, to be appointed by the Commission, Member ;
- c. A Nominee of the West Bengal Board of Madrasah Education not below the rank of Assistant Secretary, Member ;
- d. A Nominee of the Director of Madrasah Education, not below the rank of Assistant Director, Member.

(2) For the post of Assistant Teacher :—

- a. One member of the West Bengal Madrasah Service Commission, Chairman ;
- b. An expert of concerned subject having a minimum of ten (10) years teaching experience in a recognized College/University/Higher Secondary School or Madrasah, to be appointed by the Commission, Member ;
- c. A Nominee of the West Bengal Board of Madrasah Education not below the rank of Assistant Secretary, Member ;
- d. A Nominee of the Director of Madrasah Education, not below the rank of Assistant Director, Member.

(3) For the Post of Librarian—

- a. One member of the West Bengal Madrasah Service Commission, Chairman ;
- b. An expert of concerned subject having a minimum of ten (10) years teaching experience in a recognized College/University/Higher Secondary School/Madrasah, to be appointed by the Commission, Member ;
- c. A Nominee of the West Bengal Board of Madrasah Education not below the rank of Assistant Secretary, Member ;
- d. A Nominee of the Director of Madrasah Education, not below the rank of Assistant Director, Member.

(4) For the post of Clerk :—

- a. One member of the West Bengal Madrasah Service Commission, Chairman ;
- b. An expert having administrative experience, either as Principal of any recognized College or as an Officer having minimum ten(10) years experience in a recognized University of West Bengal or Head of a Higher Secondary School/Madrasah having experience of at least ten(10) years in that capacity, to be appointed by the Commission, Member ;
- c. A Nominee of the West Bengal Board of Madrasah Education not below the rank of Assistant Secretary, Member ;
- d. A Nominee of the Director of Madrasah Education, not below the rank of Assistant Director, Member ;
- e. A Nominee of the Commission not below the rank of Selection Grade Lecturer or equivalent with Proficiency in Computer and adequate knowledge in using Computer (including Typing), Member.

(5) For the post of Group 'D' :-

- a. One member of the West Bengal Madrasah Service Commission, Chairman ;
- b. An expert having administrative experience, either as Principal of any recognized College or as an Officer having minimum ten(10) years experience in a recognized University of West Bengal or Head of a Higher Secondary School/Madrasah having experience of at least ten(10) years in that capacity, to be appointed by the Commission, Member ;
- c. A Nominee of the West Bengal Board of Madrasah Education not below the rank of Assistant Secretary, Member ;
- d. A Nominee of the Director of Madrasah Education, not below the rank of Assistant Director, Member.

CHAPTER - VIII

Panel & Waiting list

22. Preparation of Panel(s) & Waiting List(s)— The Commission shall, on the basis of the marks obtained in the written test, evaluation of the academic as well as professional qualification and teaching experience, if applicable, and marks obtained in the personality test and or aptitude test, all added together, and on the basis of the guidelines issued by the commission, prepare strictly in order of merit, —

- a) A panel of candidates found fit for recommendation, and each such panel shall include names equal to the number of vacancies referred to in sub-rule (3) of rule 9 ; and
- b) A waiting list.

Note : Subject to proviso to sub-rule (1) of Rule 3 if more than one candidate obtain the same aggregate (total marks), the merit position of the candidates shall be determined according to the seniority in age i.e. candidates with earlier date of birth shall be preferred, and if the aggregate and also the date of birth be the same, the candidates obtaining higher academic score be preferred ; and if the aggregate, date of birth and also the academic score shall be the same, the candidates obtaining higher marks in written examination shall be preferred.

23. Publication of Panel —The Commission shall publish such panel(s) and waiting list(s) of candidates in the Commission's Website and the Notice Board of the Commission as well as the Offices of the District Inspector of Schools (SE).

24. Validity of Panel —

(1) Each such panel and waiting list, prepared by the Commission shall remain valid for one year from the date of acceptance of the panel or the waiting list.

(2) Notwithstanding anything contained in sub-rule (1), the Commission may, if it thinks expedient to extend the validity of the panel or waiting list beyond the period of one year for any reasonable cause, for the reasons to be recorded in writing, extend the period of validity of such panel or waiting list for a further period of six months, beyond which the panel or waiting list shall not be extended.

CHAPTER - IX

Counseling, Recommendation and Appointment

25. Counseling —(1) The Commission shall hold counseling of the empanelled candidates on the basis of their combined rank position in relation to the State/Region/Area level vacancy against which they have been empanelled with a view to recommending the name of the candidate from the panel for appointment against each vacancy.

(2) The Commission shall inform empanelled candidates their combined rank as well as their rank against which they have been empanelled, post/subject, category, gender & medium wise and call for counseling by registered or speed post/courier service or any other mode as the Commission may deem fit at least 15 (fifteen) days ahead of the counseling mentioning date time & venue. Candidates may also obtain such information from the Website/office of the Commission or the news paper. In case a qualified candidate does not receive the counseling letter, the candidate must appear for counseling on the date and time specified in the counseling schedule available on the Website/at office of the Commission or the news paper.

(3) The Commission shall publish/display the lists of vacancies with details in the Commission Website medium, post/subject, category wise for Madrasahs at least seven days ahead of the date of counseling. Such relevant list shall be displayed at the counseling venue on the respective counseling date by the Commission during counseling.

(4) The candidates shall exercise option in the prescribed form in duplicate as per his choice for selection of only one Madrasah in his relevant empanelled category and medium for being recommended to a post against his category wise rank serial on the basis of availability of vacancies of same nature at the material point of time displayed at the Counseling venue on the basis of query regarding allotment of vacancies. The Commission shall preserve one copy of the option exercised by the candidate and the other duly signed by the Chairman of the Personality Test Board, shall be returned to the candidate.

(5) If a candidate misses his turn while his name is called for counseling during the counseling session, she/he may not get the opportunity of availing of the number of Madrasahs which would have been available to him normally in the category and medium against which he has been empanelled.

(6) The candidate shall have to sign a declaration of—

- (a) selection and acceptance of the Madrasah as per his choice from the Madrasahs available at the time of his turn during the counseling session, or

- (b) refusal to exercise his option in respect of selection and acceptance of any Madrasah available at the time of his turn during the counselling session, a copy of which will be handed over to the candidate duly countersigned by any member of the Personality Test Board.

(7) If a candidate refuses to exercise option for a post or to sign declaration under Sub-rule (6), his/her candidature shall be treated as cancelled.

(8) The qualified absentee candidate shall have to exercise option for selection of Madrasah to a post she/he applied for on the date of counselling for such absentee candidates from among the residual non-allotted vacancies in his respective empanelled category and medium on the date and time and venue for such a counselling to be intimated through registered or speed post and Commission's Website and/or Newspaper or the Notice Board of the Commission. If such a candidate again remains absent on the intimated specified date, time and venue, as aforesaid, his candidature shall be treated as cancelled.

(9) The candidates in the waiting list, if necessary, may be called for counseling in case of refusal under Sub-rule (7) of this rule and in case of absentee under sub-rule (8) of Rule 25 and in case of non-joining of the recommended candidate within the stipulated or extended period.

(10) The recommended candidate may be called for re-counseling, if necessary, in case of non-existence of vacancy reported or any dispute relating to the vacancy/post against which the candidate was recommended.

26. Recommendation —

(1) The Commission shall recommend the name of only one candidate against each vacancy as per his/her option/choice exercised/ given under sub-rule (4) of rule 25 and a copy of the letter recommending the name shall be sent through Registered Post/Speed Post with acknowledgement due or Courier Service or by any other mode as the Commission may deem fit, to the candidate as well as to the concerned authority of the Madrasah, where the particular vacancy exists.

(2) In case of any dispute, difficulty, confusion or any problem regarding the vacancy against which the recommendation has been made, the matter shall immediately be brought to the notice of the commission so that it may take further step to recommend his/her name for any other appropriate vacancy.

(3) The recommendation letter shall remain valid for a period of 90 (ninety) days from the date of its dispatch.

Provided that the Commission may, if it thinks expedient to extend the validity of recommendation beyond the period of ninety days for any reasonable cause, for the reasons to be recorded in writing, extend the period of validity of such recommendation for a further period not exceeding 60 (sixty) days.

(4) After recommendation, if it is detected that the candidate has misrepresented facts relating to his/her selection, his/her recommendation shall be cancelled.

27. Bar on recommendation — Notwithstanding anything contained in these rules, the Commission shall not recommend the name of a person under Rule 26,—

- (a) who, at the time of submission of application or after submission of application, is recommended to a post in a Madrasah on the basis of counseling conducted by the Commission and continues his/her service as such, but has not completed continuous one year's approved service in the said post of lower scale or two years' approved service in the said post of same scale ;
- (b) who, while in service, having obtained required qualification for being considered for the post applied for, fails to submit before the Commission the requisite document of his approved study leave, or any kind of leave for the purpose of higher studies, or permission from the appropriate authority for prosecuting the studies/appearing at the examination of higher degree relevant to the post for which she/he has been selected.

28. Issue of appointment letter — The concerned Madrasah authority—Managing Committee/Ad-hoc Committee/Administrator/authorized person shall, on the basis of such recommendation of the commission, issue appointment letter to the candidate by registered post with AD/speed post within the stipulated period.

Note :-1 In absence of Managing Committee/Ad-hoc Committee/Administrator, the Head of the Madrasah—the Headmaster/Headmistress/Superintendent/Teacher-in-Charge, as the case may be, shall issue appointment letter. The same shall be ratified/vetted by resolution to be adopted in the first meeting/sitting by the Managing Committee/Ad-hoc Committee/Administrator.

Note -2 In case of non-issuance of appointment letter, the same shall be intimated to the Commission immediately with explanation/reason. The Commission shall refer/send the explanation to the Director of Madrasah Education, W.B., for opinion. The Commission shall act on the basis of such opinion of the Director.

29. Failure to appoint—Effect : If the Madrasah authority—Managing Committee/Ad-hoc Committee or the Administrator or the Head of the Madrasah, as the case may be, does not issue appointment letter to the recommended candidate without reasonable ground or does not intimate the Commission about the same with explanation, the commission shall recommend to the State Government for necessary steps in accordance with the Section 12 of the Act and the commission shall not recommend any other name to any post in that Madrasah till the clearance from the State Government.

30. Joining : On receipt of the appointment letter from the Madrasah authority, the candidate shall join the post within the stipulated period as mentioned in the appointment letter or the maximum period provided in these rules if allowed by the Madrasah authority on his/her prayer.

31. Effect of non - joining : If—

- a) a recommended candidate
 - i) refuses to accept appointment or appointment letter is returned, or
 - ii) does not join the post within the stipulated period after getting the appointment letter, or
- b) the Commission gets any information from Madrasah, or from the District Inspector of Schools (SE), or otherwise, that a candidate recommended for appointment has not accepted the offer of appointment within the stipulated period,

The Commission may cancel or withdraw the recommendation, strike off the name of such candidate from the panel and recommend the name of a candidate from the waiting list strictly in order of merit within the validity period of the panel and waiting list.

CHAPTER - X

Provision for Recruitment/appointment on compassionate ground

(Section 24)

Please see West Bengal Madrasah Service Commission (Amendment) Act, 2010.

32. (1) Quota : Maximum (upto) 10% of the vacancies of each category barring those of HM/Superintendent may be filled up by eligible candidates on compassionate ground.

(2) Criteria : When a staff-teaching or non - teaching,—

- a) dies-in - harness before the date of superannuation, i.e. the age of 60 years leaving his/her family in such extreme financial hardship that it fails to provide two square meals and other essentials (bare necessities) to the surviving members of the deceased's family, or
 - b) becomes permanently incapacitated by accident or on medical ground in the opinion of the Medical Board before attaining 58 years of age and is allowed by the Director of Madrasah Education, West Bengal, to retire on and from the date prayed for and by virtue of his/her early retirement, if the family is in such extreme financial hardship that it fails to provide two square meals and other essentials (bare necessities) to the family members of the retired staff,
- a family member (spouse, son or daughter) may be appointed on compassionate ground to a post suitable to his/her qualification subject to the condition laid down hereinafter in sub-rule (3) of this Rule and following the procedures stated later on.

(3) Conditions : The dependant family member, other than the spouse of the deceased/Permanently incapacitated teacher or non-teaching staff under Rule 32(2) (a) or (b) seeking appointment on compassionate ground,—

- a) shall be bound to look after and maintain the dependant member(s) of the deceased/permanently incapacitated staff, particularly the incapacitated staff and his/her spouse, if appointed.
- b) He/she shall have to swear an affidavit in the prescribed format before the First Class Judicial Magistrate in this regard, the authenticated copy of which shall have to be submitted along with the application for appointment on compassionate ground.

Provided that in case of spouse, the aforesaid condition of swearing an affidavit is not required if he/she does not re-marry. In case of re-marriage after appointment on compassionate ground, the aforesaid condition shall apply. Before draw of salary after re-marriage, he/she shall have to swear the affidavit in the prescribed format.

c) The failure to perform the duty to the dependent member (s) shall entail termination of the appointment/service.

Note : i) The dependent spouse/member(s) may inform the District Inspector (SE)/the authorized person about the non-performance of the duty, if so, by the person appointed on compassionate ground, who may stop the salary for the time being and hear both the parties and settle the matter by proper direction and release salary.

ii) If the spouse/dependent member (s) again report (s) negligence/derelection of duty by the appointed person, the District Inspector of Schools (SE)/the authorized person may direct the Madrasah Authority to give certain amount of the salary to the spouse/dependent member (s).

iii) If the appointed candidate is not agreed with that, the District Inspector of Schools (SE)/the authorized person shall refer the matter to the Director of Madrasah Education, West Bengal with the proposal for termination of service. The Director of Madrasah Education, West Bengal, shall take necessary action in this regard.

(4) **Limitation :** Only one eligible member of the family may be appointed under the provision of the sub-rule (2) of this Rule. In case of appointment of a dependent member of the deceased/permanently incapacitated teacher or non-teaching staff other than the spouse, the decision of the incapacitated teacher/staff or the spouse of the deceased shall be final. In case of absence of the both, the decision of the majority of the dependent members, to be recorded by Affidavit before the First Class Executive/Judicial Magistrate, shall be final.

(5) **Application :** The spouse or a ward of an approved staff subject to any criterion and condition laid down in sub-rule (2) and (3) respectively of this Rule having requisite qualification for any post, not below 18 years of age and not above 45 years of age, may apply in writing in the prescribed format within two years of the death as per sub-rule 32 (2) (a) or approval of pre-mature retirement of the approved staff as per sub-rule 32 (2) (b) to the District Inspector of Schools (SE) concerned or any authorized person for appointment on compassionate ground :

Provided that in case of ineligibility of the spouse and under-age of the dependent wards, the application may be made beyond two years but within four years from the date of death/incapacity as the case may be on attainment of the minimum age and/or academic eligibility.

(6) **Enlistment :** The District Inspector of Schools (SE)/any authorized officer concerned shall process the applications enter the names of all eligible applicants praying for appointments on compassionate ground in separate registers. In case of rejection of any prayer, the same shall be intimated to the applicant with reason.

(7) **Forwarding :** The District Inspector of Schools (SE) shall forward/send all such names of the enlisted candidates with recommendations mentioning particulars like educational qualifications, address, date of birth, choice of posting (area) along with authenticated copies of certificates of qualifications, birth, etc. to the Commission with an intimation to the applicants.

(8) **Panel (s) :** The Commission shall maintain such information in separate registers or databases mentioning the date of receipt of such applications from the concerned District Inspector of Schools (SE) or authorized officer. Thereafter, the Commission shall prepare the panel (s) and dispose them in accordance with the provisions of Rules 8 (3) & 26.

(9) **Scope of recommendation :** Recommendation (Under Rule 26/employment on compassionate ground is not confined to the Madrasah where the deceased/incapacitated teacher or non-teaching staff had worked/had been working. It shall be made/given anywhere within the surrounding area of the residence of applicants or district or region or State, as the case may be, depending upon the availability of suitable vacancy (ies), if not available in the said Madrasah/Madrasah nearer to his/her residence which is convenient to him/her, as per his/her choice under Rule 25 of this Rule. The convenience and choice of a female candidate shall be given preference over a male candidate.

(10) **Issue of Appointment Letter :** The provision of Rule 28 shall apply *mutatis mutandis* in case of appointment on compassionate ground.

Explanation :

The expression "Financial hardship" in relation to income of a deceased/permanently incapacitated Teacher or non-teaching staff consisting of up to five members in his family, shall mean an amount of income less than the initial gross salary of Group 'D' staff of the State Government at the material point of time. For computation of income of such family, an income of an amount earned by each family member from any other sources than Provident

Fund, Gratuity and 40% of Family Pension of the first seven years or upon the attainment of sixty seven years of age of the deceased teacher had he been alive, whichever is earlier, at the material point of time, shall be taken into account :

Provided that if the family of the deceased/permanently incapacitated teacher or non-teaching staff exceeds five members, the income so computed under this explanation shall be reduced by 20% for each member exceeding five and the amount so arrived at, shall be taken into consideration in computing the income for the purpose of comparing it with the gross salary income of Group 'D' staff at the initial stage at the material point of time.

N.B. The calculation should be made as per fixation under the ROPA Rules prevailing at that material point of time.

CHAPTER-XI

Provision regarding transfer and mutual transfer

(Section 8)

Please see the West Bengal Madrasah Service Commission (Amendment) Act, 2010

33. Transfer : An approved teacher or non-teaching staff of recognized non-Government aided Madrasah may be transferred from one Madrasah to another.

(1) Conditions :

- a) The applicant (teacher or non-teaching staff) must be full-time approved staff.
- b) He/she must have been confirmed in his/her service.
- c) An approved teacher or non-teaching staff shall be eligible to apply for transfer only after the confirmation of his/her service.
- d) The vacancy against which the applicant to be recommended for appointment on transfer, must conform to the category and or subject of the applicant's appointment in the present Madrasah.
- e) The applicant (teacher or non-teaching staff) shall, after transfer, draw the pay he/she drew in his/her previous Madrasah.
- f) No TA/DA or transfer grant for such transfer is admissible/shall be claimed.
- g) No staff shall get the benefit of more than one transfer in the same category of post.

(2) Procedure :

- a) The teacher/non-teaching staff seeking transfer shall have to apply in the prescribed *format* (with an advance copy direct) to the district Inspector of Schools (SE) in case of transfer within the District or to the Director of Madrasah Education, W. B. in case of transfer from one district to another, through proper channel with necessary document(s).
- b) The Madrasah Authority/the Head of the Madrasah in case of absence of Madrasah Authority, shall forward the application alongwith relevant papers to the District Inspector of Schools (SE)/authorized officer within 15 days from the date of submission of the application.
- c) The district Inspector of Schools (SE)/authorized officer concerned shall forward the same comment/views to the Commission direct in case of transfer within the district or to the Director of Madrasah Education, W. B., in case of transfer from one district to another, within 15 days from the date of receipt of such application.
- d) Director of Madrasah Education, after scrutiny, shall forward the case (inter-district transfer) with comment to the Commission. The Director of Madrasah Education may do the same on the basis of advance copy of application if the same is not received by the Director of Madrasah Education within 35 days after submission of the application.
- e) The Commission shall recommend the name of the candidate to the vacancy applied for, if suitable or to a suitable available vacancy in order of preference of the candidate after counselling.
- f) The Commission shall recommend a suitable candidate to fill up the vacancy so occurred due to such transfer, from the panel as and when prepared, the total number of vacancy remaining the same.

Note : The applicant may not exercise choice if none of the available vacancies is convenient to him/ her and wait for future vacancy.

- g) The concerned Madrasah Authority/the Head of the Madrasah in absence of Madrasah Authority shall, on the basis of such recommendation of the Commission, issue appointment letter to the candidate by registered post with AD/Speed Post within the stipulated period as per Rule 28.

- h) The Madrasah Authority/the Head of the applicant's Madrasah in absence of Madrasah Authority, shall release him/her with Release Order. Last Pay Certificate, etc. as per application for release with a copy of appointment letter, to join the new Madrasah.
- i) In case of failure on the part of the Madrasah Authority or the Head of the Madrasah to release, the applicant shall apply to the concerned District Inspector of Schools (SE)/authorized officer who shall take necessary steps for immediate release along with necessary certificate (s)/paper (s) or he/she will release the applicant.

Note :

- a) If there are more than one candidate (applicant) for a particular vacancy, the senior most candidate in service shall get preference.
- b) If two or more applicants having same length of service, the female candidate, if any, shall get preference. Among the female candidates, the unmarried one shall get priority over the married one.
- c) If the service length of more than one candidate of the same sex (subject to Note : b) be the same, the person having seniority in age shall get preference.
- d) If the service length and age of more than one candidate be the same, the person having better/higher academic qualification shall get preference.

34. Mutual transfer : Mutual transfer of two teachers or non-teaching staff of two different Madrasahs holding the posts of the same category and/or subject in the same scale of pay (except Hons./PG category), may be allowed.

- (1) **Conditions :** If two teachers or non-teaching staff of the same category of post and/or subject, of two different Madrasahs are agreed to mutual transfer among themselves, they may apply subject to the following conditions—

- a) The applicants (teachers/non-teaching staff) must be full time approved staff.
- b) Both the applicants (approved staff) must have been confirmed in their present services.
- c) The approved teachers or non-teaching staff shall be eligible to apply for mutual transfer only after the confirmation of their services.
- d) They must belong to the same category of post and/or same subject in the same scale of Pay (except Hons./PG category).

Note : In case of Hons./PG category, mutual transfer between Hons. and PG candidates may be allowed though the scales of pay (Hons. & PG) are different.

- e) The applicant teachers or non-teaching staff shall, after mutual transfer, draw the pay he/she drew in his/her previous Madrasah.
- f) No TA/DA or any grant for such transfer is admissible/shall be claimed.
- g) No male teacher is allowed mutual transfer to a Girls' Madrasah. However, male non-teaching staff may be allowed mutual transfer to a Girls' Madrasah provided that there is at least one female non-teaching staff.

(2) Procedure :

- a) The willing teachers/non-teaching staff of two different Madrasahs agreed to mutual transfer shall have to submit joint application (s) in the prescribed format along with necessary papers to the District Inspector of Schools (SE) in case of mutual transfer within the district or the Director of Madrasah Education in case of mutual transfer from one district to another through proper channel with an advance copy.
- b) The Madrasah Authority or the Head of the Madrasah in case of absence of Madrasah Authority, shall forward the application along with relevant papers to the District Inspector of Schools (SE)/authorized officer within 15 days from the date of submission of the application.
- c) The District Inspector of Schools (SE)/authorized officer concerned shall forward the same to the Commission in case of mutual transfer within the district and to the Director of Madrasah Education, W.B. in case of mutual transfer from one district to another within 15 days from the date of receipt of such application.

Note : The District Inspector of Schools (SE) concerned may send the case on the basis of advance copy of applications if the same is not received by the District Inspector of Schools (SE)/authorized officer within 20 days from the date of submission of the applications.

- d) The District Inspector of Schools (SE)/Director of Madrasah Education, W.B. as the case may be, after scrutiny, shall forward the prayer for mutual transfer to the Commission.

Note : The Director of Madrasah Education may do the same on the basis of advance copy of application(s) if the same is not received by the Director of Madrasah Education within 35 days after submission of the application.

- e) The Commission shall recommend and communicate the same to the concerned Madrasahs recommending appointment of incoming teacher/non-teaching staff and release of outgoing teacher/non-teaching staff.
- f) The Madrasah Authorities/the Heads of both the Madrasahs in absence of Madrasah Authority, shall release the existing staff and allow the staff of other Madrasah to join the Madrasah as per recommendation of the Commission.

Note : Both the candidates and the Madrasahs shall consult beforehand about the reciprocal release and joining (appointment) of the candidates on mutual transfer.

CHAPTER-XII

Miscellaneous

35. Carry forward of vacancy : The vacancies which are not filled up for unsuitability of candidates or for any other reasons, as the Commission may by order mention, shall be carried forward and included with the vacancies of the next year :

Provided that if the Commission considers so to do, it may re-advertise those vacancies to be filled up in accordance with the provisions of these rules.

36. Interpretation : (1) If any question/doubt/confusion arises regarding taking any decision of the Commission, a reference shall be made to the State Government and the decision taken by it shall be final.

(2) In regard to the interpretation of any provision of these rules, the decision of the State Government shall be final.

37. Savings : (1) Nothing in these rules shall affect relaxation of age limit and other concessions as are required to be provided for candidates for recruitment on compassionate ground in accordance with the orders issued by the State Government from time to time.

(2) Nothing in these Rules shall affect any act done or cause to be done in accordance with the provisions of the earlier Rules made or orders issued before coming into force of these rules.

SCHEDULE 1

[See rules 3 and 4]

1	2	3	4
Sl. No.	Name of Posts	Educational qualification including Professional qualifications, Academic eligibility, Experience, etc.	Age limit
1	Posts of Headmaster/Headmistress in High Madrasah/Higher Secondary Madrasah.	Essential : (i) Qualification & Academic Eligibility : Master's Degree from a UGC recognized University with at least 45% marks in average at the Secondary Level and Higher Secondary Level taken together, 40% marks in the Honours subject at the Honours Level or 45% marks at the Pass Level for a candidate without having Honours Degree and 40% Marks at the Post-Graduate Level. Note : (a) In case of fraction, the nearest digit shall be taken into consideration for computation of percentage. If the same is .5, the next digit shall be taken into account/consideration in such computation : (b) Provided that the above criteria of marks shall not apply to an approved Headmaster/Headmistress of Jr.High/High/Higher Secondary School or Madrasah and Superintendent (having essential eligibility) of Senior Madrasah ; (ii) Training : Degree/Diploma in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training/equivalent degree/diploma recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National Council for Teacher Education (NCTE) Rehabilitation Council of India (RCI) in the relevant academic session.	Up to 55 years

		(iii) Experience : Ten years' continuous teaching experience in approved service in a Jr. High/High/Higher Secondary School or Madrasah/Senior Madrasah or more than one, recognized by the West Bengal Board of Secondary Education/West Bengal Board of Madrasah Education/West Bengal Council of Higher Secondary Education on the last date of submission of application in response to advertisement. (iv) Others : Knowledge of Madrasah Education System, Islamic Studies & Culture.	
2.	Superintendent of Senior Madrasah.	Essential : (i) Qualification & Academic Eligibility : Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udba with Kamil/Kamil (General)/Kamil Hons. from the West Bengal Board of Madrasah Education/Aliah University having at least 45% marks in average at the Alim Level and Fazil Level taken together, 40% marks at the Kamil/Hons. Level and MM/MF/MU Level ; Or, Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udba without Kamil/Kamil (General)/Kamil Hons. but with Graduate/Post-Graduate Degree having at least 45% marks in average at the Alim Level and Fazil Level taken together, and 45% marks either at the MM/MF/MU level or at the Graduation/Post-Graduation Level ; Note : a) In case of fraction, the nearest digit shall be taken into consideration for computation of percentage. If the same is .5, the next digit shall be taken into account/consideration in such computation. b) Provided that the above criteria of marks shall not apply to an approved Headmaster/Headmistress of Jr. High/High/Higher Secondary School or Madrasah and Superintendent (having essential eligibility) of Senior Madrasah ; ii) Training : Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government of West Bengal as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitations Council of India (RCI) in the relevant academic session. (iii) Experience : Ten years' continuous teaching experience in approved service in a Jr. High/High/Higher Secondary Madrasah or School/Senior Madrasah or more than one, recognized by the West Bengal Board of Madrasah Education/West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education on the last date of submission of application in response to advertisement.	Up to 55 Years
3.	Headmaster/Headmistress of Junior High Madrasah.	Essential : (i) Qualification & Academic Eligibility : Master's Degree from a UGC recognized University with at least 45% marks at the Secondary Level and Higher Secondary Level taken together, 40% marks in the Honours subject at the Honours Level or 45% marks at the Pass Level for a candidate without having Honours Degree and 40% marks at the Post-Graduate Level. Note : a) In case of fraction, the nearest digit shall be taken into consideration for computation of percentage. If the same is .5, the next digit shall be taken into account/consideration in such computation. Provided that the above criteria of marks shall not apply to an approved Headmaster/Headmistress of Jr. High/High/Higher Secondary School or Madrasah and Superintendent (having essential eligibility) of Senior Madrasah. (ii) Training : Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National Council for	Up to 55 years

		Teacher Education (NCTE) Rehabilitation Council of India (RCI) in the relevant academic session. (iii) Experience : Five years' continuous teaching experience in approved service in a Higher Secondary/High School/High Madrasah/Jr. High Madrasah/Jr. High School/Senior Madrasah or more than one, recognized by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education/West Bengal Board of Madrasah Education on the date of advertisement. (iv) Others : Knowledge of Madrasah Education System, Islamic Studies and Culture.	
4.	Assistant Teacher of High Madrasah/Senior Madrasah/Junior High Madrasah for the posts meant for Honours/Post-Graduate vacancies.	A. Essential : (i) Bachelor's Degree with Honours or Master's Degree in the concerned subject from any UGC recognized University : Provided that for the post of Assistant Teacher in Biological Science, a candidate must have Honours/Master's Degree in the concerned subject. Explanation : For the purpose of this sub-clause, "concerned subject" in relation to Biological Science means Zoology, Botany or Physiology. (ii) Knowledge of Madrasah Education System, Islamic Studies and Culture. B. Desirable : Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government of West Bengal as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitation Council of India (RCI) in the relevant academic session.	Minimum 20yrs. and maximum 37 yrs. In case of in-service approved teaching and non-teaching staff, the maximum age limit is not applicable.
5.	Assistant Teacher of High Madrasah/Senior Madrasah/Junior High Madrasah for the post of Arabic in language Group in the Hons./Post-Graduate category.	A. Essential : (i) Kamil (Hons.) or Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udaba with Kamil/Kamil (General)/Kamil Hons. from the West Bengal Board of Madrasah Education/Aliah University or any other recognized university. B. Desirable : Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government of West Bengal as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitation Council of India (RCI) in the relevant academic session.	Ditto
6.	Assistant Teacher in Advance Arabic (Islam Parichoy)/Theology (Group) equivalent to Hons./Post-Graduate category in High/Sr. Madrasah.	A. Essential : Kamil (Hons.) or Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udaba with Kamil/Kamil (General)/Kamil Hons. from the West Bengal Board of Madrasah Education/Aliah University or any other recognized university. B. Desirable : i) Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized university or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitation Council of India (RCI) in the relevant academic session.	Ditto
7.	Assistant Teacher of High Madrasah/Senior Madrasah/Junior High Madrasah for the posts meant for Pass vacancies.	Qualification : A. Essential : (i) Bachelor's Degree from any UGC recognized university having concerned subject as combination subject of at least 300 marks at the degree level (or 200 marks in the old degree courses).	Ditto

		Note 1 :-For the post of Assistant Teacher in Pure Science group a candidate should have at least any two of the following subjects namely, Chemistry, Physics and Mathematics as combination of subjects. Note 2 :-For the post of Assistant Teacher in Bio-Science, a candidate should have at least any two of the following subjects, namely Zoology, Botany and Physiology, as combination of subjects. Note 3 :-For the purpose of this sub clause, a Bachelor's degree as stated above shall not include a Special B. A. in any subject. (ii) Knowledge of Madrasah Education system, Islamic Studies and Culture B. Desirable : Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National council for Teacher Education (NCTE)/Rehabilitaion council of India (RCI) in the relevant academic session :	
8.	Assistant Teacher for the post of Work Education in different types of Madrasah.	A. Essential : (i) Kamil or MM/MF/MU without Kamil/Kamil (General)/Kamil (Hons.) from West Bengal Board of Madrasah Education/Aliah University or Bachelor's degree in General Stream in Arts/Science/Commerce from any UGC recognized University with Post Graduate Basic Training/B. Ed. or its equivalent having Work Education as method subject in regular course (from a Teachers' Training Institution) duly recognized by the National Council for Teacher Education (NCTE) in the relevant academic session ; Or, Bachelor's Degree in General Stream in Arts/Science/Commerce course with degree/diploma in Art & Craft from any Institution duly recognized by any UGC recognized University/ from any UGC recognized University ; Or, Bachelor's Degree in General Stream in Arts/Science/Commerce with Certificate in Tailoring and needle work/Fashion or Apparel Design (at least 2 years course) from any Institution duly recognized by AICTE or any UGC recognized University/from any UGC recognized University ; Or, Bachelor's Degree in General Stream in Arts/Science/Commerce with at least 2 years course Degree/Diploma in the Work Education curriculum awarded by any University or any Department of the State government ; Or, Bachelor's Degree in Home Science or Agriculture or Bachelor of Science in Computer Science/Information Technology or Software systems from any UGC recognized University ; (ii) Knowledge of Madrasah Education System, Islamic Studies and Culture B. Desirable : Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National council for Teacher Education (NCTE)/Rehabilitaion council of India (RCI) in the relevant academic session :	Ditto
9.	Assistant Teacher for the post of Physical Education in different types of Madrasah.	A. Essential : (i) Kamil or MM/MF/MU without Kamil/Kamil (General)/Kamil (Hons.) from West Bengal Board of Madrasah Education/Aliah University or any other recognized university or Bachelor's Degree in General Stream in Arts/Science/Commerce course with degree/diploma in	Ditto

		Physical Education (from a Teachers' Training Institution) duly recognized by the National Council for Teacher Education (NCTE/State Government) in the relevant academic session. (ii) Knowledge of Madrasah Education System, Islamic Studies and culture	
10.	Assistant Teacher in Advance Arabic (Islam Parichay)/Theology Group equivalent to pass graduate category in High/Sr. Madrasah.	A. Essential : Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udaba without Kamil/Kamil (general)/Kamil (Hons.) or Kamil/Kamil (General) from the West Bengal Board of Madrasah Education/Aliah University or any other recognized University. B. Desirable : Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National council for Teacher Education (NCTE)/Rehabilitation council of India (RCI) in the relevant academic session :	Ditto
11.	Assistant Teacher for the post of Arabic in Language Group in the Pass-graduate category.	A. Essential : Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udaba without Kamil/Kamil (general)/Kamil (Hons.)/Kamil/Kamil (General) from the West Bengal Board of Madrasah Education/Aliah University or any other recognized University. B. Desirable : Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training (from a Teachers' Training Institution) duly recognized by the National council for Teacher Education (NCTE)/Rehabilitation council of India (RCI) in the relevant academic session :	Ditto
12.	Assistant Teacher (Under-graduate category) for the post of Arabic	A. Essential : Fazil held from 1993 onwards and M.M.* prior to that of West Bengal Board of Madrasah Education. B. Desirable : Junior Basic Training or any training recognized by the State Govt. as equivalent Jr. Basic Training (from a Teachers' training Institution) duly recognized by the NCTE in the relevant academic session.	Ditto
13.	Assistant Teacher (Under-graduate category) for the post of Genl. Subjects	A. Essential : (i) Higher Secondary with Urdu or Bengali as the case may be, from the West Bengal Council of Higher Secondary Education or equivalent. (ii) Knowledge of Madrasah Education System, Islamic Studies and Culture. B. Desirable : Jr. Basic Training/Primary Teachers' Training or any training recognized by the State Govt. as equivalent Jr. Basic Training (from a Teachers' Training Institution) duly recognized by the (NCTE) in the relevant academic session.	Ditto
14.	Librarian	Essential : (i) Kamil/Kamil (General)/MM without Kamil/Kamil (General) or Bachelor's Degree in General Stream in Arts/Science/Commerce with Arabic at the 10th Level Public Examination or any subsequent public examination as regular/external/private candidate or through distance mode of education/correspondence course. (ii) Diploma/degree in Library Science of at least one year's duration as regular/external/private candidate or through distance mode of education/correspondence course. (iii) Knowledge of Madrasah Education System, Islamic Studies and Culture.	Ditto

15.	Clerk	Essential : (i) Passed Madhyamik/High Madrasah/Alim Examination or its equivalent or old H.S. in lieu of Madhyamik or its equivalent. (ii) Knowledge of Madrasah Education System, Islamic Studies and Culture. Desirable : Knowledge and Skill in operating and using computer including typing.	Minimum 18 yrs. & maximum 37 yrs as on 1st Jan of the year of advertisement. Relaxable in case of candidate for appointment on compassionate ground.
16.	Group 'D' (including Lab Attendant)	(i) Passed Class VIII from any School/Madrasah recognized by or affiliated to the West Bengal Board of Secondary Education/West Bengal Board of Madrasah Education/or equivalent/any approved Madrasah or Madhyamik Shiksha Kendra under Minority Affairs & Madrasah Education Department/Madhyamik Shiksha Kendra under Panchayet & Rural Development Department. (ii) Knowledge of Madrasah Education System, Islamic Studies and Culture.	Ditto

SCHEDULE II

Weightage on Different Items of Evaluation

Sl. No.	Name of the posts	Written test	Essential Qualification & training	Higher Qualification*	Experience*	Personality test*	Typing skill & Computer proficiency
1.	Posts of Headmaster/Headmistress in High Madrasah/Higher Secondary Madrasah	55	25	3	7	10	
2.	Superintendent of Senior Madrasah	55	25	3	7	10	
3.	Headmaster/Headmistress of Junior High Madrasah	55	25	3	7	10	
4.	Assistant Teacher of High or Higher Secondary Madrasah/Senior Madrasah/Junior High Madrasah for the posts meant for Honours/Post-Graduate vacancies	70	25			5	
5.	Assistant Teacher of High Madrasah/Senior Madrasah/Junior High Madrasah for the post of Arabic in language Group in the Hons./Post-Graduate category.	70	25			5	
6.	Assistant Teacher in Advance Arabic (Islam Parichoy)/Theology (Group) equivalent to Hons./Post-Graduate category in High/HS/Sr. Madrasah	70	25			5	
7.	Assistant Teacher of High Madrasah/Senior Madrasah/Junior High Madrasah for the posts meant for Pass vacancies.	70	25			5	

Sl. No.	Name of the posts	Written test	Essential Qualification & training	Higher Qualification*	Experience*	Personality test*	Typing skill & Computer proficiency
8.	Assistant Teacher for the post of Work Education in different types of Madrasah	70	25			5	
9.	Assistant Teacher for the post of Physical Education in different types of Madrasah	70	25			5	
10.	Assistant Teacher in Advance Arabic (Islam Parichay)/Theology Group equivalent to pass graduate category in High/Sr. Madrasah	70	25			5	
11.	Assistant Teacher for the post of Arabic in language Group in the Pass-graduate category.	70	25			5	
12.	Assistant Teacher (Under-graduate category) for the post of Arabic	50	35 (25+10)			15 (including 5 marks on ***co-curricular activities)	
13.	Assistant Teache (Under-graduate category) for the post of Genl. Subjects	50	35 (25+10)			15 (including 5 marks on ***co-curricular activities)	
14.	Librarian	70	20			10	
15.	Clerk	30	10			5	25(15+10)
16.	Group 'D' and Lab Attendant	15				10	

* **Higher Qualification :-**

- M. Phil. : 2 marks,
- Ph. D. : 3 marks (Ph. D. holders shall not get any extra credit for having M. Phil.)

** **Experience :**

A. For High/Higher Secondary/Senior Madrasahs :

- 10 years—Nil
- Above 10 years but up to 13 years—2 marks,
- Above 13 years but up to 16 years—4 marks,
- Above 16 years but up to 18 years—5 marks,
- Above 18 years but up to 20 years—6 marks.
- Above 20 years—7 marks.

B. For Junior High Madrasahs :

- 05 years—Nil
- Above 05 years but up to 08 years—1 mark,
- Above 08 years but up to 11 years—2 marks,
- Above 11 years but up to 14 years—3 marks,
- Above 14 years but up to 17 years—4 marks,

vi) Above 17 years but upto 20 years-5 marks.

vii) Above 20 years-7 marks.

*** Credit shall be given on participation/performance at the District/State/National level competition, not more than one mark in each category of activities.

(Appearance before the Personality Test Board is compulsory.)

SCHEDULE III

Manner of Evaluation of Academic and professional qualification for selection

PROVISION RELATING TO EVALUATION OF ACADEMIC QUALIFICATIONS INCLUDING PROFESSIONAL QUALIFICATION FOR SELECTION TO THE POST OF TEACHERS

TABLE NO.1

Manner of evaluation of academic qualifications including professional qualifications for selection to the post of Headmaster/Headmistress in Junior High/High Madrasah/Higher Secondary Madrasah.

Sl. No.	Examination Passed	Full Marks 25	Award of Marks			Remarks
			1st Div/ class	2nd Div/ class	Other Div/Class	
1.	High Madrasah/Alim/MP/SF or its equivalent	5	5	4	3	
2.	H.S (10+2 stage)/fazil/Pre University/University Entrance/Intermediate or its equivalent	5	5	4	3	
3.	Old HS in lieu of Examinations noted against Sl. Nos. 1&2	10	10	8	6	
4.	a) Bachelor's degree in Hons. (regular/external/private mode or distance mode/correspondence course), or b) Bachelor's degree in Pass Course, or c) Degree with Spl. Hons./Condensed Hons./Approved Proficiency Courses	6	6	5	4	Holders of Degree of Spl. Hons./Condensed Hons./Approved Proficiency Courses shall not be allotted any additional marks for pass course degree
			6	5	4	
			6	5	4	
5.	Post-Graduate Degree (regular/correspondence course or in Distance Mode/private/external)	6	6	5	4	
6.	Degree/diploma in teachers' Training (B.Ed./B.T./PGBT/PGT or its equivalent) in regular /correspondence course or in Distance mode from a Teachers' Training Institution recognized by the NCTE/RCI in the relevant academic session	3	3	2	1	

TABLE NO.2

Manner of evaluation of academic qualifications including professional qualifications for selection to the post of Superintendent in Senior Madrasah

Sl. No.	Examination passed	Full Marks	Award of Marks			Remarks
			1st Div /Class	2nd Div/ Class	Other Div/Class	
1.	High Madrasah/Alim/MP/SF or its equivalent.	5	5	4	3	
2.	H.S (10+2 stage)/Fazil/Pre University/University Entrance/Intermediate or its equivalent.	5	5	4	3	
3.	Old HS in lieu of Examinations noted against Sl. Nos. 1 & 2.	10	10	8	6	
4.	a) Kamil Hons. from WBBME/Aliah University (regular/external/private mode or distance mode/correspondence course), or	6	6	5	4	
	b) Kamil/Kamil General degree or MM/MF/MU without Kamil/kamil General/Kamil Hons.		6	5	4	
5.	MM/MF/MU with Kamil/Kamil General/Kamil (Hons.), or Graduate/Post Graduate Degree (regular/correspondence course or in Distance Mode/private/external/Degree with Spl. Hons./Condensed Hons.	6	6	5	4	
6.	Graduation/Post Graduation Degree for those MM/MF/MU without Kamil/Kamil (General) /Kamil (Hons.) i.e in lieu of Sl. No. 5.	6	6	5	4	Credit will be given to the better one of either graduation or Post-graduation Degree
7.	Degree/Diploma in teachers' Training (B. Ed./B.T./PGBT/PGT or its equivalent) in regulat /correspondence course or in Distance mode-from a Teachers' Training Institution recognized by the NCTE/RCI in the relevant academic session.	3	3	2	1	

TABLE NO. 3

Manner of evaluation of academic qualifications including professional qualifications for the selection of Assistant Teacher for the post meant for Honours/Post Graduate vacancy in different types of Madrasah

Sl. No.	Examination passed	Full Marks 25	Award of Marks			Remarks
			1st Div/ Class	2nd Div/ Class	Other Div/Class	
1.	High Madrasah/Alim//SF/MP or its equivalent.	5	5	4	3	
2.	H.S (10+2 stage)/Fazil/Pre University/University Entrance/Intermediate or its equivalent.	5	5	4	3	
3.	Old HS in lieu of Examinations noted against Sl. Nos. 1&2.	10	10	8	6	
4.	a) Bachelor's degree in Hons. (regular/external/private mode or distance mode/correspondence course)/ Kamil (Hons.) or its equivalent, or b) MM/MF/MU without Kamil/Kamil General/Kamil (Hons.) /Bachelor's degree in Pass Course, or c) Degree with Spl. Hons./Condensed Hons./Approved Proficiency Courses.	6	6 6	5 5	4 4	
5	MM/MF/MU with Kamil/Kamil General/Kamil (Hons.)/Post Graduate (Degree regular/correspondence course or in Distance Mode/private/external).	6	6	5	4	
6.	Degree/Diploma in teachers' Training (B. Ed./BT/PGBT/PGT or its equivalent) in regular/correspondence course or in District mode from a Teachers' Training Institution recognized by the NCTE/RCI in the relevant academic session.	3	3	2	1	

TABLE NO. 4

Manner of evaluation of academic qualifications including professional qualifications for the selection of Assistant Teacher for the Pass vacancy in Madrasah, except for Work Education, Physical Education

Sl. No.	Examination passed	Full Marks	Award of Marks			Remarks
			1st Div/Class	2nd Div/Class	Other Div/Class	
1.	High Madrasah/Alim/SF/MP or its equivalent.	5	5	4	3	
2.	H.S (10+2 stage)/fakil/Pre University/University Entrance/Intermediate or its equivalent.	5	5	4	3	
3.	Old HS in lieu of Examinations noted against Sl. Nos. 1&2.	10	10	8	6	
4.	a) Bachelor's degree in Pass Course (regular/external/private mode or distance mode/correspondence course) or MM/MF/MU without Kamil/Kamil General/Kamil (Hons.).	12	12	10	8	
5.	Degree/Diploma in Teachers' Training (B. Ed./B.T./PGBT/PGT or its equivalent) in regular /correspondence course or in Distance mode from a Teachers' Training Institution recognized by the NCTE/RCI in the relevant academic session.	3	3	2	1	

TABLE NO. 5

Manner of evaluation of academic qualifications including professional qualifications for the selection of Assistant Teacher in Work Education in Madrasah

Sl. No.	Examination passed	Full Marks	Award of Marks			Remarks
			1st Div/Class	2nd Div/Class	Other Div/Class	
1.	High Madrasah/Alim/MP or its equivalent	5	5	4	3	
2.	H.S (10+2 stage)/fakil/Pre University/University Entrance/Intermediate or its equivalent.	5	5	4	3	
3.	Old HS in lieu of Examinations noted against Sl. Nos. 1&2.	10	10	8	6	
4.	a) Bachelor's degree in Pass Course (regular/external/private mode or distance mode/correspondence course) or MM/MF/MU without Kamil/Kamil General/Kamil (Hons.).	12	12	10	8	
5.	Degree/Diploma in Teachers' Training (B. Ed./B.T./PGBT/PGT or its equivalent) in regular /correspondence course or in Distance mode from a Teachers' Training Institution recognized by the NCTE/RCI in the relevant academic session.	3	3	2	1	

TABLE NO.6

Manner of evaluation of academic qualifications including professional qualifications for the selection of Assistant Teacher in Physical Education in Madrasah

Sl. No.	Examination passed	Full Marks 25	Award of Marks			Remarks
			1st Div/ Class	2nd Div/ Class	Other Div/Class	
1.	High Madrasah/Alim//SF/MP or its equivalent.	5	5	4	3	
2.	H.S (10+2 stage)/Fazil/Pre-University/University Entrance/Intermediate or its equivalent.	5	5	4	3	
3.	Old HS in lieu of Examinations noted against Sl. Nos. 1&2.	10	10	8	6	
4.	a) Bachelor's degree in Pass Course (regular/external/private mode or distance mode/correspondence course)/ or MM/MF/MU without Kamil/Kamil General/Kamil (Hons.), or Kamil/Kamil (General).	12	12	10	8	
5.	Degree/Diploma in Physical Education from a Teachers' Training Institution recognized by the NCTE/RCI in the relevant academic session.	3	3	2	1	

TABLE NO. 7

Manner of evaluation of academic qualifications including professional qualifications for the selection of Assistant Teacher in General Subjects/Fazil in the Under-Graduate Category in Senior Madrasah.

Sl. No.	Examination passed	Full Marks 50	Award of Marks			Remarks
			1st Div/ Class	2nd Div/ Class	Other Div/Class	
A.						
1.	High Madrasah/Alim/SF/MP or its equivalent.	25	25	20	15	
2.	H.S (10+2 stage)/Fazil/Pre-University/University Entrance/Intermediate or its equivalent.	25	25	20	15	
3.	Old HS in lieu of Examinations noted against Sl. Nos. 1 & 2.	50	25	21	17	
B. Training and co-curricular activities						
1.	Junior Basic Training/Primary Teachers' Training or its equivalent in regular /correspondence course or in Distance mode from a Teachers' Training Institution recognized by the NCTE in the relevant academic session.	05	05	04	03	
2.	Co-curricular activities	05	05	04	03	

TABLE NO. 8

Manner of evaluation of academic qualifications including professional qualification for the selection of librarians

Sl. No.	Examination passed	Full Marks 20	Award of Marks			Remarks
			1st Div/ Class	2nd Div/ Class	Other Div/Class	
1.	High Madrasah/Alim//SF/MP or its equivalent.	05	05	04	03	
2.	H.S (10+2 stage)/Fazil/Pre University/University Entrance/Intermediate or its equivalent.	05	05	04	03	
3.	Old HS in lieu of Examinations noted against Sl. Nos. 1&2.	10	10	08	06	
4.	a) Bachelor's degree in Hons. (regular/external/private mode or distance mode/correspondence course) / Kamil (Hons.), or its equivalent, or b) MM/MF/MU. without Kamil/Kamil General/Kamil (Hons.), or Kamil/Kamil (General)/ Bachelor's degree in Pass Course, or c) Degree with Spl. Hons./Condensed Hons./Approved Proficiency Courses.	6	6 6 6	5 5 5	4 4 4	Marks shall be allotted for only one category.
5.	Degree in Library Science or its equivalent in regular/correspondence course or in Distance mode from a UGC recognized University.	04	04	03	02	

TABLE NO. 9

Manner of selection to the post of Clerk in Madrasah

(a) Preliminary screening examination ... 30 marks

[The marks obtained in the preliminary screening examination under the West Bengal Madrasah Service Commission (Selection to the Post of Non-Teaching Staff) by such qualified candidates shall not be added to the marks obtained by them in the examinations/tests conducted afterwards]

(b) Written Examination ... 30 marks

(c) Academic Qualifications ... 10 marks

(d) Personality Test with Typing and Computer Proficiency ... 30 marks

[Personality Test ... 05 marks]

Typing using Computer and Computer Proficiency ... 25 marks]

(Appearance before the Personality Test Board is compulsory)

Evaluation of academic qualification for the selection of Clerk in Madrasah

Sl. No.	Examination passed	Full Marks 10	Award of Marks			Remarks
			1st Div/ Class	2nd Div/ Class	Other Div/Class	
1.	Alim/Madhyamik or its equivalent or Old H.S. in lieu of Alim/Madhyamik or its equivalent.	10	10 [For 1st Div/Class]	08 [For 2nd Div/Class]	06 [For Other Div/Class]	

TABLE NO. 10

Manner of selection to the post of Group-D Staff in Madrasah

- (a) Preliminary screening examination ... 30 marks

[The marks obtained in the preliminary screening examination under the West Bengal Madrasah Service Commission (Selection to the Post of Non-Teaching Staff) by such qualified candidates shall not be added to the marks obtained by them in the examinations/tests conducted afterwards]

- (b) Written Examination 15 marks

- (c) Personality Test ... 05 marks

(Appearance before the Personality Test Board is compulsory)

There shall be no evaluation for academic qualification for the selection of Group-D Staff including Laboratory Attendant, Peon, in Madrasah in West Bengal.

By order of the Governor,

B. P. GOPALIKA,

Secy. to the Govt. of West Bengal,

Minority Affairs & Madrasah Education Department.

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WP 20650(w) of 2013

Mr. L.K. Gupta
Mr. Soumen Kumar Dutta
Mr. Raghunath Chakraborty
Mr. Abu Sohel
... For the Petitioners

Mr. Tapan Mukherjee
Ld. Addl Govt. Pleader
... For the Ld. Advocate General

Mr. Jaharlal De
Mr. Shamim Ul Bari
... For the State

(LATER)

After the delivery of the judgment, Mr. Tapan Mukherjee, learned Additional Government Pleader, prays for stay of the operation of the order.

Mr. L.K. Gupta, learned senior counsel, appearing for the petitioners, opposed this prayer.

However, Mr. Mukherjee and Mr. Jaharlal De, learned advocates appearing for the State and Mr. Bari, the learned Advocate appearing for the Commission, have assured this Court that after the relevant provisions of the Act have been declared ultra vires the Constitution, the

Commission shall not recommend any name till any order is obtained from the Appellate Court and shall not insist upon the appointment of the candidates recommended by the Commission to different posts in Madrasahs. On such assurance being given by the learned Advocates for the State and the

Commission, the operation of the judgment and order is stayed for a period of two weeks from date.

(Dr. Sambuddha Chakrabarti, J.)



Extraordinary
Published by Authority

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WEDNESDAY, MARCH 11, 2015

[SAKA 1936

PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
School Education Department
Secondary Branch

ORDER

Sub : Recruitment procedure in the institutions exempted from recruitment from West Bengal School Service Commission under Section 15(a).

No. 93 - SE/S/10R-14/2013-09th February, 2015 — WHEREAS in terms of Notification No. 641-Edn(S) dt. 23.05.1974 (as amended so far) Special Rules have been granted to several schools and whereas a number of schools have obtained religious/linguistic minority certificate from the National Commission for Minority Educational Institutions or from Minorities Affairs and Madrasah Education Department, West Bengal and are eligible to be exempted under Section 15(a) of the West Bengal School Service Commission Act, 1997 from recruitment through the West Bengal School Service Commission established under the said Act.

Now, therefore, the Governor has been pleased to order that all school authorities shall strictly observe the following in the matter of recruitment of teaching and non-teaching staff.

1. (A) The school authority shall submit along with proof of existence of vacancy for the post applied for in respect of Assistant Teachers and non-teaching staff along with following documents at least 3 (three) months earlier before the date of occurrence of vacancy in respect of an existing post :
 - a) A non-litigation certificate against the sanctioned vacant post(s);
 - b) The recruitment should be justified, considering class-wise pupil-teacher ratio;
 - c) Existing staff pattern of the school showing the category – Pass Graduate or Honours/ PG category with post sanctioning memo;
 - d) Subject approval from the Council for H.S. section in case of HS schools;
 - e) Resolution of the Managing Committee;
 - f) Proof of the minority status of the school;
 - g) Recognition of the schools from the WBBSE and WBCHSE;
 - h) Cause of occurrence of vacancy;

Upon receipt of the prayer the District Inspector of Schools (SE) will examine the issues and on being satisfied shall accord approval of appointment of Assistant Teacher and Non-Teaching Staff including Librarian of high schools against vacancy of posts sanctioned by the Competent Authority.

- (B) The Founder Body/Governing Body will be the appointing authority in respect of Headmaster/Headmistress/Assistant Headmaster/Assistant Headmistress and the School Management Committee will be the appointing authority in respect of other teaching and non-teaching staff. The post of Assistant Headmaster/Assistant Headmistress will be filled up against the sanctioned vacant post provided the student enrolment upto Class-X should not be less than 750 in average of last 3 (three) years. The Founder Body/Governing Body shall submit documents as follows:

- I. A non-litigation certificate against the sanctioned vacant post(s);
- II. In respect of recruitment of Assistant Headmaster/Assistant Headmistress average student number should be furnished.
- III. Resolution of the Founder Body/Governing Body;
- IV. Proof of the minority status of the school.
- V. Recognition of the schools from the WBBSE and WBCHSE
- VI. Cause of occurrence of vacancy

Upon receipt of the prayer the District Inspector of Schools (SE) will examine the issues and on being satisfied shall accord approval of appointment of Headmaster/Headmistress/Assistant Headmaster/Assistant Headmistress of high schools against vacancy of posts sanctioned by the Competent Authority

- (C) In the event if the concerned District Inspector of Schools (SE)/Additional Inspector of Schools (SE) finds that the information supplied by the school is incomplete and/or incorrect it shall forthwith informed the school authority to meet up the deficiencies.
- (D) For the recruitment in a vacant post due to leave/deputation the school authority will intimate within 1 (one) month from the date of vacancy occurred due to leave/deputation. In this case entire processing of appointment will have to be completed within 03 (three) months. Documents as required in 1(A) will have to be submitted for receiving approval for appointment.
2. The candidates for recruitment of teaching/non-teaching staff including the post of Headmaster/Headmistress/ Assistant Headmaster/Assistant Headmistress shall fulfill the minimum academic qualifications, professional qualifications, age limit and citizenship as laid down in Annexure-II.
 3. The required qualification and desirable qualifications for the non-teaching staff should not be below the level fixed by the Government.
 4. The appointment shall be made against a clear vacancy in permanent/additional post duly sanctioned by the competent authority.
 5. The appointment shall be given after selection from eligible candidates through open advertisement of the vacancy in at least two State-level dailies, one of them should be in English, in order to satisfy the provision of equality of opportunity as enshrined in Art. 16 of the Constitution of India.
 6. Not more than 10% of the total sanctioned posts including the post of the Headmaster/Headmistress/Assistant Headmaster/Assistant Headmistress of the concerned school may be kept reserved and to be filled up from the members of the minority organization to which the educational institution belongs. No separate advertisement will be required. But the minimum academic qualification, professional qualifications, teaching experience, age limit and citizenship as specified for recruitment for the post shall not be relaxed under any circumstance.

7. The school authority will constitute a Selection Committee for recruitment of a candidate, against an approved post maintaining pupil-teacher ratio, at least 3 months before the scheduled date of Interview/ Written Test and the same is to be communicated to the office of the District Inspector of Schools (SE) concerned and the Director of School Education, West Bengal with post sanctioning memo, cause of occurrence of the vacancy, no litigation certificate in respect of the vacancy and the validity of the Managing Committee.
8. The appointment shall be made gender-wise as per Government norms. No male teacher shall be appointed to a girls' school, however, female teacher can be appointed in all schools.
9. One ward of a deceased teacher/employee who has died while in approved service can be appointed against a clear sanctioned vacancy of any school of the same organization provided that the appointee shall fulfil the minimum qualification for the post as laid down in the applicable recruitment Rules for recruitment of non-teaching staff through the West Bengal School Service Commission as stated above and provided further that the concerned family is financial distressed as defined in the aforesaid recruitment rules and the incumbent shall have to fulfil the criteria as laid down under notifications issued in this regard from time to time by the School Education Department as applicable to teaching and non-teaching employees of schools, *mutadis mutandis*.
10. 100-point roster in respect of reservation rules for SC/ST/OBC is not applicable for appointment to the teaching and non-teaching posts.
11. Any sanctioned vacant post may be filled up by way of transfer of any approved and confirmed Assistant Teachers/Headmaster/Assistant Headmaster/Headmistress/Assistant Headmistress/ Non-teaching staff appointed against the same category of vacancy holding the same category of post and teaching the same subject run by the same Trust or Society. Any such transfer approved by the school authorities and the founder bodies in case of a teacher appointed from the concerned minority organization against a sanctioned post shall subsequently be approved by the District Inspector of Schools of the district provided that the same is done according to terms and conditions mentioned herein above.
12. The District Inspector of Schools (SE)/Additional District Inspector of Schools (SE) shall communicate to the school authority/organization/society/trust his decision in respect of approval of appointment/ approval of transfer strictly following the above guidelines within 30 working days from the date of receipt of the application complete in all respects. If the District Inspector of Schools is unable to approve the appointment, he should communicate his views to the school authority/organization/society/ trust stating the reasons of his inability for not according approval of the same with a copy to the Director of School Education, West Bengal within 30 working days from the date of receipt of the application. However, on expiry of 30 days from the date of submission of papers to the concerned District Inspector of Schools (SE), the concerned school authority may inform the matter of delay to the Director of School Education, West Bengal for necessary action.
13. The application for filling up vacant posts of teaching and non-teaching staff through open advertisement shall be made as per Annexure – (IV) of this Order. Further the application for filling up such vacant posts by transfer shall have to be made as per format enclosed Annexure – (V) of this order.
14. The Head of the Institution and/or the Secretary of the School Managing Committee shall be personally/ jointly liable if any appointment is made on the basis of panel prepared by the school authority by way of illegal and irregular procedure or panel prepared against any unauthorized vacancy not duly approved by the competent authority. Government shall not bear any financial liability of such illegal or irregular appointment and the District Inspector of Schools (SE) concerned shall not be bound to accord approval or give any cognizance to such illegal appointment.
15. In all cases of appointments – permanent or temporary, the school committee shall issue letters of appointment specifying the terms and conditions governing such appointment. When a permanent

appointment is made the candidate shall be on probation for a specified period, ordinarily not exceeding one year, after which he/she may be confirmed as determined by the school committee provided if the school authority does not agree to confirm a teacher after specified period the ground for delay to be informed in writing to the concerned employee. However, after satisfaction of the school authority the employee will be confirmed without delay.

16. The schools who have already published advertisement for filling up the vacant posts will submit documents as stated in Clause (1) for receiving post-facto approval from the District Inspector of Schools (SE) and on receiving approval the school will proceed for recruitment according to this procedure. Panel already submitted by the School authorities for approval in pursuance to the G.O. No.1092-ES(S)/10M-104/2011 dt. 06.06.2012 and G.O. No.1314(50)-SE(S)/4A-35/2002 dt. 17.09.2002 will remain valid under the purview of the instant order and those cases will be governed by earlier order.
17. This order will come into effect from the date of publication in the Kolkata Gazette. All further recruitment will be guided by this order in suppression of the G.O. No.1092-ES(S)/10M-104/2011 dt. 06.06.2012 and G.O. No.1314(50)-SE(S)/4A-35/2002 dt. 17.09.2002.

By Order of the Governor.

ARNAB ROY

Secretary to the Government of West Bengal

Annexure (I)

Following information shall be given in the open advertisement for filling up vacant posts of Teaching (including Headmaster/Headmistress)/Non-teaching staff/Librarian.

1. Name of the school with complete postal Address along with PIN Code, Phone No. :
2. Recognition Memo No. and Date given by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education/any other competent authority.
3. Whether the school is fully aided or DA getting.
4. Name of the Post : Teacher / Non -Teaching staff/Librarian.
5. Scale of Pay as per the latest ROPA attached to post in question :
6. If the vacant post is meant for Teacher, the following information is to be given :
 - (a) Category : (i) Pass vacancy or (ii) Hons/PG vacancy
 - (b) Subject :
 - (c) Group : Language/Science & Mathematics/ Social Science/ Work Education & Physical Education and Social Service/HS Section.
7. The minimum academic qualifications, professional qualifications, age limit and citizenship as laid down in Annexure (II).

Annexure (II).

Sl. No.	Name of the posts	Educational qualification including professional qualifications	Age limit
1.	Headmaster/ Headmistress of High School/Higher Secondary School	Essential (i) Master's Degree from a UGC recognized University with at least 45% marks both at the Secondary Level and Higher Secondary Level, 40% marks in the Honours subject at the Honours Level or 45% marks at the Pass Level for a candidate without having Honours Degree and 40% marks at the Post-Graduate Level, with degree in Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) in the relevant academic session: Provided that the above criteria of marks shall not apply to a Head Master/ Head Mistress in approved service in Jr. High/ High/Higher Secondary School; (ii) Ten years continuous teaching experience on the date of advertisement in approved service in a Higher Secondary School/ High School/ Junior High School recognized by the West Bengal Council of Higher Secondary Education/ West Bengal Board of Secondary Education or equivalent.	Upto 55 years
2.	Headmaster/ Headmistress of Junior High School	Essential : (i) Master's Degree from a UGC recognized University with at least 45% marks both at the Secondary Level, and Higher Secondary Level, 40% marks in the Honours subject at the Honours Level or 45% marks at the Pass Level for a candidate without having Honours Degree and 40% marks at the Post-Graduate Level, with, Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government of West- Bengal as equivalent to Bachelor of Teaching/Bachelor of Education/ Post--Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) in the relevant academic session. Provided that the above criteria of marks shall not apply to a Head Master/Head Mistress in approved service in Jr. High/ High/Higher Secondary School; (ii) Five years continuous teaching experience on the date of advertisement in approved service in a Higher Secondary School/ High School/ Junior High School recognized by the West Bengal Council of Higher Secondary Education/ West Bengal Board of Secondary Education or equivalent.	Upto 55 years

Sl. No.	Name of the posts	Educational qualification including professional qualifications	Age limit
3.	Assistant Teacher of Junior High/ High School/ Higher Secondary School for the posts meant for Pass vacancies.	Essential: B.A./B.Sc. and 2-year Diploma in Elementary Education (by whatever name known) OR B.A./B.Sc. with at least 50% marks and 1-year Bachelor in Education (B.Ed.) OR B.A./B.Sc. with at least 45% marks and 1-year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard OR Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor in Elementary Education (B.El.Ed.) OR Senior Secondary (or its equivalent) with at least 50% marks and 4-year BA/B.Sc. Ed or B.A. Ed./B.Sc. Ed. OR B.A./B.Sc. with at least 50% marks and 1-year B.Ed. (Special Education) <i>Note 1.</i> – For the purpose of this notification, a diploma/degree course in teacher education recognized by the National Council for Teacher Education (NCTE) only shall be considered. However, in case of Diploma in Education (Special Education) and B.Ed. (Special Education), a course recognized by the Rehabilitation Council of India (RCI) only shall be considered. <i>Note 2.</i> – The reservation quota for the candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, and for physically handicapped candidates shall be maintained as per the existing reservation rules as framed by the competent authority, with relaxation of the upper age limit as admissible under Government order. <i>Note 3.</i> – Relaxation of 5% marks in academic qualification shall be allowed in respect of candidates belonging to the reserved categories, such as SC/ST/OBC/PH.	“Minimum 20 years and maximum 40 years so long as the West Bengal Services (Raising of Age-limit) Rules, 1981, is in force. Upper age limit is however relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and for the Physically Handicapped Candidates, as per existing Government norms.”
4.	Assistant Teacher of High School/ Higher Secondary School/Junior High School for the posts meant for Honours / Post-Graduate vacancies.	Essential : Bachelor's Degree with Honours or Master's Degree in the concerned subject from any UGC recognized University: Provided that for the post of Assistant Teacher in Biological Science, a candidate must have Honours/Master's Degree in the concerned subject. <i>Explanation.</i> - For the purpose of this sub-clause, “concerned subject” in relation to Biological Science means Zoology, Botany or Physiology.	“Minimum 20 years and maximum 40 years so long as the West Bengal Services (Raising of Age-limit) Rules, 1981, is in force. Upper age limit is however

Sl. No.	Name of the posts	Educational qualification including professional qualifications	Age limit
		Desirable: (i) Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post-graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) in the relevant academic session;	relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and for the Physically Handicapped Candidates, as per existing Government norms."
5.	Assistant Teacher for the post of Work Education in School	Essential: (i) Bachelor's Degree in General Stream in Arts/ Science/ Commerce from a UGC recognized University with Post Graduate Basic Training or Work Education as a subject in Bachelor of Education in regular course from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) in the relevant academic session; or (ii) Bachelor's Degree in General-Stream in Arts/ Science/ Commerce with Degree or Diploma in Art and Craft from any UGC recognised University/ any UGC recognised educational Institution affiliated to any University; or (iii) Bachelor's Degree in General Stream in Arts/ Science/ Commerce with Degree or Diploma in Tailoring and needle work from any Institution duly recognised by any UGC recognised University / from any UGC recognised University; or (iv) Bachelor's Degree in General Stream in Arts/Science/ Commerce with at least two years Degree or Diploma in the Work Education curriculum awarded by any University or any Department of the State Government; or v) Bachelor's Degree in Home Science or Agriculture or Bachelor of Science in Computer Science or Information Technology or Software systems from any UGC recognized University; or (vi) Bachelor's Degree in General Stream in Arts/Science/ Commerce with Computer Science or Computer Application as a subject of at least 300 marks at the degree level from any UGC recognized University. (vii) Bachelor degree in Visual Arts or Performing Arts from any UGC recognized University; or	"Minimum 20 years and maximum 40 years so long as the West Bengal Services (Raising of Age-limit) Rules, 1981, is in force. Upper age limit is however relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and for the Physically Handicapped Candidates, as per existing Government norms."

Sl. No.	Name of the posts	Educational qualification including professional qualifications	Age limit
		(viii) Degree in Bachelor of Teaching/Bachelor of Education/ Post Graduate Basic Training from any recognized University or any training recognized by the State Govt. as equivalent to Bachelor of Teaching/ Bachelor of Education/ Post Graduate Basic Training from a Teachers Training Institute duly recognized by the NCTE/the RCI in the relevant academic session/correspondence Course with degree/diploma in Arts & Craft from any UGC recognized University/ any UGC recognized education Institution affiliated to any University/ correspondence Course with Certificate in Tailoring and needle work (at least 2-year course) from any Institution duly recognized by any UGC recognized University/ from any UGC recognized University/ correspondence Course with degree/ diploma in Work Education curriculum awarded by any University or any Department of the State Govt.	
6.	Assistant Teacher for the post of Work Education in School	Essential : Bachelor's Degree in General Stream of Arts/ Science/ Commerce with degree/diploma in Physical Education from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) in the relevant academic session.	"Minimum 20 years and maximum 40 years so long as the West Bengal Services (Raising of Age-limit) Rules, 1981, is in force. Upper age limit is however relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and for the Physically Handicapped Candidates, as per existing Government norms."

Annexure (III)

Prayer for approval of service appointed through open advertisement for filling up vacant posts of Teacher (including Headmaster/Headmistress)/Non-teaching staff/Librarian.

Following details to be given by the school authority :

1. Name of the school with complete postal Address along with PIN Code, Phone No. :
2. Recognition Memo No. and Date and Extension of Recognition given by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education/any other competent authority. [Duly attested copy to be submitted by the Head of the Institution]
3. Whether the school is fully aided or DA getting.
4. Validity of the Managing Committee of concerned school : [A certificate to be submitted by the Head of the Institution]
5. Name of the Post : Headmaster/Headmistress/Teacher/Non-Teaching staff/Librarian/Teacher for Primary School.
6. Scale of Pay as per the latest ROPA attached to post advertised :
7. Cause of vacancy : New creation of post duly sanctioned by the competent authority/Retirement/Resignation/Death-in-harness/Dismissal duly approval of the competent authority/transfer. [Supporting papers duly attested to be submitted]
8. Post creation memo and date :
9. Name of the authority which sanctioned the post to be filled up :
10. Date of occurrence of the vacancy :
11. Whether the post is free from litigation : [A certificate to be submitted by the Head of the Institution]
12. If the vacant post is meant for Non-Teaching, the following information is to be given:-
 - (a) Whether the vacancy is determined as per provision of G.O. No. 333-SE (Apptt.)/10M-32/01 (pt) dated 8th June, 2007 : [Details of the existing non-teaching staff in position to be submitted]
 - (b) The vacancy is meant for Category of vacancy : Gr.D/Clerk/Librarian
13. If the vacant post is meant for Teacher, the following information is to be given :
 - (a) Category : (i) Pass vacancy or (ii) Hons/PG vacancy
 - (b) Subject :
 - (c) Group : Language/Science & Mathematics/ Social Science/ Work Education & Physical Education and Social Service/HS Section.
 - (d) Nature of Posts : Normal Vacancy/Addition 1 vacancy for Normal section/Additional vacancy for HS section.
 - (e) Whether the vacancy is determined maintaining the existing school staff pattern as per provision of G.O. No. 670-SE (S) dated 04.09.1998. [Existing staff pattern and teaching staff in position to be submitted]
14. Class-wise student number for secondary level, subject-wise student number for Higher Secondary level.
15. Name of the appointee to the post : [Duly filled approval form to be submitted]

16. Academic qualifications Madhyamik onwards : [Attested copy to be submitted]
17. Professional qualifications : [Attested copy to be submitted]
18. Age as on the 1st January of the year of advertisement : [Attested copy of valid age proof certificate to be submitted]
19. Citizenship : [Copy of EPIC or PAN Card or Passport to be submitted]
20. Date of advertisement for filling up the post and name of the Newspaper : [Copy of advertisement to be submitted]
21. Number of applications received :
22. Number of applicants called for Written Test/Interview
23. Details of the Selection Committee and Selection Procedure : [Attested copy to be submitted]
24. Date of Written Test/Interview : [One copy of letter calling for Written Test/Interview to be submitted]
25. Individual Score Sheet of the candidates appeared in the Written Test/Interview : [Original copy to be submitted]
26. Panel : [Original copy to be submitted]
27. Whether the panel has been approved by the Selection Committee and the Managing Committee : [Resolution of the Selection Committee and Managing Committee to be submitted]
28. Date of the issuance of the appointment letter : [Copy of appointment letter to be submitted]
29. Date of joining to the post : [Copy of joining report duly authenticated by the head of the institution or Secretary to be submitted]

Annexure (IV)

Prayer for approval of service appointed as religious/linguistic minority under group or organization for filling up vacant posts of Teacher (including Headmaster/Headmistress)/Non-teaching staff/Librarian.

Following details to be given by the school authority :

1. Name of the school with complete postal Address along with PIN Code, Phone No. :
2. Recognition Memo No. and Date and Extension of Recognition given by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education/any other competent authority. : [Duly attested copy to be submitted by the Head of the Institution]
3. Whether the school is fully aided or DA getting.
4. Validity of the Managing Committee of concerned school : [A certificate to be submitted by the Head of the Institution]
5. Name of the Post : Teacher/Non-Teaching staff/Librarian.
6. Scale of pay as per the latest ROPA attached to post advertised :
7. Cause of vacancy:-New creation of post duly sanctioned by the competent authority/Retirement/Resignation/Death-in-harness/Dismissal duly approval of the competent authority/transfer. : [Supporting papers duly attested to be submitted]
8. Post creation memo and date :
9. Name of the authority which sanctioned the post to be filled up :
10. Date of occurrence of the vacancy :
11. Whether the post is free from litigation : [A certificate to be submitted by the Head of the Institution]
12. If the vacant post is meant for Non-Teaching, the following information is to be given :
 - (a) Whether the vacancy is determined as per provision of G.O. No. 333-SE (Apptt.)/10M-32/01 (pt) dated 8th June, 2007 : [Details of the existing non-teaching staff in position to be submitted]
 - (b) The vacancy is meant for Category of vacancy : Gr.D/Clerk/Librarian
13. If the vacant post is meant for Teacher, the following information is to be given :
 - (a) Category : (i) Pass vacancy or (ii) Hons/PG vacancy
 - (b) Subject :
 - (c) Group : Language/Science & Mathematics/ Social Science/ Work Education & Physical Education and Social Service/HS Section.
 - (d) Nature of Posts : Normal Vacancy/Addition 1 vacancy for Normal section/Additional vacancy for HS section.
 - (e) Whether the vacancy is determined maintaining the existing school staff pattern as per provision of G.O. No. 670-SE (S) dated 04.09.1998. : [Existing staff pattern and teaching staff in position to be submitted]
14. Name of the appointee to the post : [Duly filled approval form to be submitted]
15. Academic qualifications Madhyamik onwards : [Attested copy to be submitted]
16. Professional qualifications : [Attested copy to be submitted]

17. Age as on the 1st January of the year of advertisement : [Attested copy of valid age proof certificate to be submitted]
18. Citizenship : [Copy of EPIC or PAN Card or Passport to be submitted]
19. Date of the issuance of the appointment letter : [Copy of appointment letter to be submitted]
20. Date of joining to the post : [Copy of joining report duly authenticated by the head of the institution or Secretary to be submitted]
21. Resolution of the school authority and the founder- body in support of the appointment as religious/ linguistic minority under group or organization. : [A copy of the resolution duly attested to be submitted]

Annexure (V)

Prayer for approval of service appointed by way of transfer for filling up vacant posts of Teacher (including Headmaster/Headmistress)/ Non- Teaching staff/Librarian.

Following details to be given by the school authority:-

1. Name of the school with complete postal Address along with PIN Code, Phone No. :
2. Recognition Memo No. and Date and Extension of Recognition given by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education/any other competent authority. : [duly attested copy to be submitted by the Head of the Institution]
3. Whether the school is fully aided or DA getting.
4. Validity of the Managing Committee of concerned school : [A certificate to be submitted by the Head of the Institution]
5. Name of the Post : Teacher/Non-Teaching staff/Librarian.
6. Cause of vacancy : New creation of post duly sanctioned by the competent authority Retirement/ Resignation/Death-in-harness/Dismissal duly approval of the competent authority/transfer. [Supporting papers duly attested to be submitted]
7. Post creation memo and date :
8. Name of the authority which sanctioned the post to be filled up :
9. Date of occurrence of the vacancy :
10. Whether the post is free from litigation : [A certificate to be submitted by the Head of the Institution]
11. If the vacant post is meant for Non-Teaching, the following information is to be given :
 - (a) Whether the vacancy is determined as per provision of G.O. No. 333-SE (Apptt.)/10M-32/01 (Pt) dated 8th June, 2007 : [details of the existing non-teaching staff in position to be submitted]
 - (b) The vacancy is meant for Category of vacancy : Gr.D/Clerk/Librarian
12. If the vacant post is meant for Teacher, the following information is to be given :
 - (a) Category : (i) Pass vacancy or (H) Hons/PG vacancy
 - (b) Subject :
 - (c) Group : Language/Science & Mathematics/Social Science/Work Education & Physical Education and Social Service/HS Section.
 - (d) Nature of Posts : Normal Vacancy/Additional vacancy for Normal section/Additional vacancy for HS section.
 - (e) Whether the vacancy is determined maintaining the existing school staff pattern as per provision of G.O. No. 670-SE (5) dated 04.09.1998. : [Existing staff pattern and teaching staff in position to be submitted]
13. Name of the appointee to the post : [Duly filled approval form to be submitted]
14. Academic qualifications Madhyamik onwards : [Attested copy to be submitted]
15. Professional qualifications : [Attested copy to be submitted]
16. Age as on the 1st January of the year of advertisement : [Attested copy of valid age proof certificate to be submitted]

17. Citizenship : [Copy of EPIC or PAN Card or Passport to be submitted]
18. Whether the transfer has been approved by the approved by the school authorities and the founder bodies of the concerned school : [Copy of resolution duly attested to be submitted]
19. Earlier Approval of appointment given by the concerned District Inspector of Schools confirmation issued by the competent authority : [Copy duly attested to be submitted]
20. Date of the issuance of the appointment letter : [Copy of appointment letter to be submitted] 21. Date of joining to the post : [Copy of joining report duly authenticated by the head of the institution or Secretary to be submitted]
21. Date of joining to the post : [Copy of joining report duly authenticated by the head of the institution or Secretary to be submitted.]

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A.S.T. 192 of 2014

With
A.S.T.A. 141 of 2014
With
A.S.T.A. 140 of 2014
With
C.A.N. 4410 of 2015
Sk. Md. Rafique & Ors.
-Versus-
Managing Committee,
Contai Rahmania High Madrasah & Ors.

With

A.S.T. 130 of 2014

With
C.A.N. 3078 of 2014
Secretary, West Bengal Madrasah
Service Commission & Anr.
-Versus-
Managing Committee,
Contail Rahamania High Madrasah & Ors.

With

M.A.T. 473 of 2014

State of West Bengal & Ors.
-Versus-
Managing Committee,
Contail Rahamania High Madrasah & Ors.

Mr. B.R. Bhattacharyya
Mr. Subrata Mukhopadhyay
Mr. Soumen Dutta
Mr. Atarup Banerjee
Mr. Somnath Bakshi ...For the Appellants

Mr. Jayanta Mitra,
Learned Advocate General
Mr. Tapan Kumar Mukherjee
Mr. B. K. Mukherjee
Mr. Supratim Dhar ...For the State

Mr. P.S. Sengupta
Mr. Ekramul Bari
Mr. S.M. Ali ...For the Commission

Mr. Kamalesh Bhattacharyya
Mr. S.S. Areffin ...For the Applicant in
C.A.N. 7539 of 2015

Mr. Amal Baran Chatterjee
Mr. Arup Sarkar ...For the Applicant in

C.A.N. 9100 of 2015

Mr. P.S. Bhattacharyya

...For the Applicant in
C.A.N. 4410 of 2015

Mr. Swapan Bnerjee

...For the Writ Petitioner /
Respondent

The writ petitioners who approached the learned trial Judge challenged the enactment of the West Bengal Madrasah Service Commission Act, 2008 (hereinafter referred to as the Act). It is not in dispute the writ petitioners' status as minority institutions and on the other hand there was a declaration to that effect. The writ petitioners' contentions before the learned Single Judge were nothing but taking away the rights of the minority groups guaranteed by the Constitution of India. In other words, such legislation and/or restriction imposed by the said Act in question was an inroad into the fundamental rights of the minority institutions guaranteed by the Constitution.

The stand of the State was that since the Madrasahs are fully aided so far as the finance is concerned, therefore, the State Government has power to interfere with the selection process of the teachers to be appointed in such Madrasahs. The other ground of defence was since the selection committee merely makes recommendation to the Managing Committee for appointment, therefore, overall control remained with the Managing Committee, therefore, there is no interference of the Government in the affairs of the Madrasahs. In other words they tried to impress upon the learned Single Judge that role of the Commission is mere recommendatory in

nature and nothing else. They also contended that in order to achieve implementation of quality education, such enactment was necessary and therefore, the writ petitioners could not have challenged such genuine policy of the State.

Learned Trial Judge after referring a judgment of a Constitutional Bench of the Apex Court in the case of ***State of Kerala Etc. Vs. Very Rev. Mother Provincial Etc.***, reported in (1970) 2 SCC 417 was justified in opining that right to establish an institution of the minority's choice includes the right to administration of such institution completely and effectively by the minority institution since such right is accorded to them as fundamental rights under Article 29 and Article 30 of the Constitution.

The learned Judge made a detail reference to several judgments including the Apex Court decision in the case of ***Secretary, Malankara Syrian Catholic Vs. T. Jose and Ors.***, reported in (2007) 1 SCC 386 where right of the minorities to administer their educational institutions of their choice was discussed in detail and ultimately held that the appointment of teachers/lecturers and Headmasters/Principals as also non-teaching staffs and to take action against them is the exclusive right of the minority institution as it is nothing but part of the administrative control of the Management over such employees.

The present enactment is sought to be defended by the State on the ground of funding the

institutions and opining that it is only recommendatory process and not interference with the overall administration of the institutions. We are afraid whatever be the nature of recommendations it would definitely touch upon the administrative authority or control to be exercised by the minority institutions while administering their institutions in every aspect and respect since institutions would not have the option to choose individuals beyond the recommendations so made. Hence, the scheme of the Act instead of being regulatory, prohibits the freedom of minority institution in selecting its own personnel. It is one thing to regulate the process of appointment by providing guidelines etc. it is however entirely different to clog the right of choice of the minority institution by prohibiting them to choose any candidate otherwise eligible except from those recommended by the Commission. Since appointment of teachers etc. is very relevant so far as the quality of education is concerned, if there are any mala fides statutory infirmities brought to the notice of the State Government as it is completely funded by the State Government, it is open to the State Government to withdraw financial support if mala fides/illegalities are found in such process of selection of teaching staffs etc. Such right is always with the State Government irrespective of minority institutions or other institutions.

So far as the present enactment is concerned we cannot deviate from the opinion of the learned Single Judge that such act is nothing but violation of the fundamental rights guaranteed by the Constitution in

terms of Article 29 and 30 of the Constitution of India. Therefore, we decline to interfere with the opinion expressed by the learned Single Judge and accordingly appeals deserve to be dismissed.

We have also heard the submissions made by the learned Counsels who are appearing for some of the teachers who are already appointed and are in service for the last five years or waiting for the appointment of teachers as empanelled in the list.

Since the Act of 2008, according to us is nothing but violation of the fundamental rights guaranteed by the Constitution to the minority institutions, it is exclusively left to the concerned Madrasahs either to accept contention of such teachers, who are already in service and permit them to continue in service and/or to provide appointment to the candidates who are empanelled by the Commission awaiting such appointment.

With these observations, the appeals are disposed of along with the connected applications.

(Manjula Chellur, Chief Justice)

(Joymalya Bagchi, J.)

The

Kolkata Gazette

सत्यमेव जयते

Extraordinary
Published by Authority

SRAVANA 28]

FRIDAY, AUGUST 19, 2005

[SAKA 1927

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 2053-L.—19th August, 2005.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XIV of 2005

THE WEST BENGAL SCHOOLS (CONTROL OF EXPENDITURE) ACT, 2005.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 19th August, 2005.]

An Act to provide for the control of expenditure in the schools in West Bengal.

WHEREAS it is expedient to provide for the control of expenditure in the schools in West Bengal and the matter connected therewith or incidental thereto;

It is hereby enacted in the Fifty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Schools (Control of Expenditure) Act, 2005.
- (2) It extends to the whole of West Bengal.
- (3) This section shall come into force at once and the remaining sections shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint and different dates may be appointed for different sections or for different areas.

*The West Bengal Schools (Control of Expenditure)
Act, 2005.*

(Section 2.)

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “approved” means approved by the Director or his authorised officer;
- (b) “Board” means the West Bengal Board of Secondary Education established under the West Bengal Board of Secondary Education Act, 1963; West Ben. Act V of 1963.
- (c) “Board of Madrasah” means the West Bengal Board of Madrasah Education established under the West Bengal Board of Madrasah Education Act, 1994; West Ben. Act XXXIX of 1994.
- (d) “Council” means the West Bengal Council of Higher Secondary Education established under the West Bengal Council of Higher Secondary Education Act, 1975; West Ben. Act VIII of 1975.
- (e) “Director” means the Director of School Education, West Bengal;
- (f) “District Level Inspection Team” means the District Level Inspection Team constituted under sub-section (1) of section 8;
- (g) “Madrasah” shall have the same meaning as defined in clause (h) of section 2 of the West Bengal School Service Commission Act, 1997; West Ben. Act IV of 1997.
- (h) “non-teaching staff” means a member of the staff other than a teacher of a school;
- (i) “notification” means notification published in the *Official Gazette*;
- (j) “prescribed” means prescribed by rules made under this Act;
- (k) “recognised” with its grammatical variations, used with reference to a school, shall mean recognised or deemed to have been recognised under—
 - (i) the West Bengal Board of Secondary Education Act, 1963, or
 - (ii) the West Bengal Primary Education Act, 1973, or West Ben. Act XLIII of 1973.
 - (iii) the West Bengal Council of Higher Secondary Education Act, 1975, or
 - (iv) the West Bengal Board of Madrasah Education Act, 1994;
- (l) “region” means a region as specified under sub-section (2) of section 3 of the West Bengal School Service Commission Act, 1997;
- (m) “school” means—
 - (i) a recognised non-Government aided—
 - (A) secondary school, or educational institution, or part or department of such school or institution, imparting instruction in secondary education, or
 - (B) higher secondary school, or educational institution (other than a college), or part or department of such school or institution, imparting instruction in higher secondary education, or
 - (C) Madrasah, or
 - (D) Primary Teachers’ Training Institution; or
 - (ii) a recognised non-Government institution which has been imparting instruction in secondary education or higher secondary education or madrasah education and receiving grant from the State Government in the form of dearness allowance for its teachers and non-teaching staff.

Explanation I.—“Aided” with its grammatical variations, used with reference to a school, shall mean aided by the State Government in the shape of financial assistance towards the basic pay of the teachers and non-teaching staff of that school.

*The West Bengal Schools (Control of Expenditure)
Act, 2005.*

(Sections 3, 4.)

Explanation II.—“Basic pay” shall mean the monthly pay of a teacher or non-teaching staff of a school, which corresponds to a stage in the time-scale of pay of the post held by the teacher or non-teaching staff in that school.

Explanation III.—“Secondary Education” shall have the same meaning as in clause (1) of section 2 of the West Bengal Board of Secondary Education Act, 1963.

West Ben. Act V
of 1963.

Explanation IV.—“Higher Secondary Education” shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975;

West Ben. Act
VIII of 1975.

- (n) “school authority”, in relation to a school, means the governing body, managing committee, *ad hoc* committee, administrator or any other body, by whatever name it is called, which is charged with the management of the affairs of the school;
- (o) “State Government” means the Government of West Bengal in the School Education Department;
- (p) “teacher” means an Assistant Teacher or any other person, holding a teaching post in a school on a regular and whole-time basis and is paid from the fund under the control of the State Government and includes a Headmaster or a Headmistress;
- (q) “unaided school” means a recognised unaided school to which no financial assistance has been sanctioned by the State Government;
- (r) “West Bengal Board of Primary Education” means the West Bengal Board of Primary Education established under the West Bengal Primary Education Act, 1973.

West Ben. Act
XLIII of 1973.

Application.

3. This Act shall apply to schools other than,—

- (a) a school not in receipt of any financial assistance from the State Government; or
- (b) a Government school:

Provided that the State Government may, if it considers necessary in the exigencies of public service, exempt any school from the operation of this Act for such period as it may think necessary.

Explanation.—“Government school” means a school maintained and managed by the State Government, the Government of India, or the Railway Board under the Ministry of Railway, Government of India.

Previous sanction
of State
Government for
appointment etc.

4. (1) Save as otherwise provided in sub-section (2), no school authority shall,—

- (i) create any teaching or non-teaching post involving any financial liability on the State exchequer; or
- (ii) appoint or engage any teacher or non-teaching staff; or
- (iii) regularise the service of any person, who has rendered service on any casual or part-time vacancy on contract or any other basis, against any permanent teaching or non-teaching post of a school; or
- (iv) revise the pay or allowances of any teacher or non-teaching staff; or
- (v) grant any special pay or allowance or other remuneration under any description whatsoever including *ex gratia* payment or any other benefit, having financial implication, to any person holding a teaching or non-teaching post; or
- (vi) incur, except as prescribed, expenses for any development scheme,

without previous sanction of the State Government.

*The West Bengal Schools (Control of Expenditure)
Act, 2005.*

(Sections 5-9.)

(2) Notwithstanding anything contained in sub-section (1), the school authority may fill up, in the manner as may be prescribed, a vacancy of a teacher caused by leave or deputation for a period not exceeding one year without previous sanction of the State Government:

Provided that no such person who has been appointed on such vacancy in a school, shall be appointed in any sanctioned post or by creating any new post in that school, only for rendering such service.

Void appointments.

5. (1) No school authority shall appoint any teacher in a school in contravention of the provisions of this Act, or the provisions of the West Bengal School Service Commission Act, 1997, or any rules, orders, procedures or directions issued thereunder.

West Ben. Act IV
of 1997.

(2) No school authority shall appoint any non-teaching staff in a school excepting in the manner as may be prescribed.

(3) Any appointment made by a school authority in contravention of sub-section (1) or sub-section (2) shall be void.

Unaided school
not to get
financial
assistance.

6. No unaided school shall be entitled to get any financial assistance from the State Government.

Appointment on
part-time or
contract basis.

7. Notwithstanding anything contained in any other law for the time being in force or any rules or orders issued thereunder or any contract, customs or usages to the contrary, no person, who has been appointed as teacher or non-teaching staff on any casual or part-time vacancy or on contract basis in a school, shall have any right to be appointed on permanent basis in any sanctioned post or by creating any new post only for rendering such service.

Constitution of
District Level
Inspection Team.

8. (1) The State Government may, by order, constitute a District Level Inspection Team for each district.

(2) The District Level Inspection Team shall consist of the following members:—

- (a) a nominee of the Board;
- (b) a nominee of the Council;
- (c) a nominee of the Board of Madrasah;
- (d) the District Inspector of Schools (Secondary Education).

(3) The District Inspector of Schools (Secondary Education) shall be the Member-convenor of the said District Level Inspection Team.

(4) The District Level Inspection Team shall inspect and enquire into facts and records of the schools, which are under consideration of the State Government for recognition or upgradation, and shall discharge such other duties and perform such other functions as the State Government may, by order, direct for carrying out the purposes of this Act.

Selection of site
for setting up new
school, etc.

9. (1) The State Government may,—

- (a) select the site for setting up a new school,
- (b) set up a new school,
- (c) upgrade an existing school,
- (d) determine the strength of teacher and non-teaching staff in a school,

in such manner as may be prescribed.

*The West Bengal Schools (Control of Expenditure)
Act, 2005.*

(Sections 10-13.)

(2) Notwithstanding anything contained in sub-section (1), the State Government shall not set up a new school or upgrade an existing school unless,—

- (a) the District Level Inspection Team recommends so to do, and
- (b) due appropriation is made in the Budget of the State by the State Legislature in this behalf.

Explanation I.—For the purposes of this section, the expression “upgrade” means upgradation of a Junior High School to a Secondary School, or as the case may be, from a Secondary School to a Higher Secondary School.

Explanation II.—The expression “Junior High School” means a school imparting instruction in Secondary Education from class V to class VIII.

Power of State Government to sanction additional post.

10. The State Government may, if it considers necessary so to do, sanction additional post of teacher or non-teaching staff in a school in such manner as may be prescribed:

Provided that no such additional post of teacher or non-teaching staff shall be sanctioned, unless due appropriation is made in the Budget of the State by the State Legislature in this behalf.

Power to inspect and hold enquiry.

11. (1) The State Government may, if it considers necessary so to do, by general or special order, authorize the Director or any other officer not below the rank of a Sub-Inspector of schools in this behalf to—

- (a) inspect any school, its buildings, laboratories, libraries, records and equipments;
- (b) make an enquiry into any financial irregularities by any school;
- (c) make an enquiry into the income, expenditure, properties, assets and liabilities of any school.

(2) The State Government may, after considering the report of such inspection or inquiry, direct the school authority to take such action in the matter concerned, as may, in the opinion of the State Government, be necessary.

(3) If the school authority omits or fails to comply with the direction of the State Government, as stated in sub-section (2), the State Government may take action against such school authority in accordance with the provisions of section 12.

Power to derecognise school or abolish post.

12. If the State Government has reason to believe that the number of students studying in a particular school has fallen below the prescribed number, or the school authority has failed to take action as directed by the State Government under section 11, it may, after giving the concerned school authority an opportunity of being heard and for the reasons to be recorded in writing,—

- (a) direct the Board, West Bengal Board of Primary Education, Council, Board of Madrasah, or such other authority to derecognise the school; or
- (b) abolish any teaching or non-teaching post of such school; or
- (c) order shifting of teaching and non-teaching staff from such school to any other school within the region; or
- (d) take such action as may appear to the State Government to be necessary and proper.

Power to determine fixation of pay and age of superannuation.

13. The State Government may,—

- (a) determine and approve the case of fixation of pay of the teacher or non-teaching staff of a school in the manner, as may be prescribed;

*The West Bengal Schools (Control of Expenditure)
Act, 2005.*

(Sections 14-20.)

- (b) determine the age of superannuation and the benefits payable after superannuation to the teachers and non-teaching staff of a school in the manner as may be prescribed.

Scale of pay etc.
of teacher.

14. (1) Every teacher of a school shall, if appointed in the post of Undergraduate teacher category, be entitled to draw pay in the scale of pay in which he is appointed and shall not be entitled to claim any additional increment or higher scale of pay for acquiring any qualification other than the qualifications specified for such post.

(2) Every teacher of a school shall, if appointed in the post of Graduate teacher category, be entitled to draw pay in the scale of pay in which he is appointed and shall not be entitled to claim any additional increment or higher scale of pay for acquiring any qualification other than the qualifications specified for such post.

(3) Every teacher of a school shall, if appointed in the Honours Graduate or Post-graduate teacher category, be entitled to draw pay of Post-graduate teacher category, upon acquiring Post-graduate degree, in the manner as may be specified by order.

Option of
Contributory
Provident Fund or
General Provident
Fund.

15. Notwithstanding anything contained in the West Bengal Non-Government Educational Institutions and Local Authorities (Control of Provident Fund of Employees) Act, 1983, or in any rules made thereunder, or in any other law for the time being in force,—

West Ben. Act
XXXIX of 1983.

- (a) if a teacher or a non-teaching staff, who had been a subscriber to the Contributory Provident Fund scheme and opted for remaining subscriber to the said scheme instead of being a subscriber to the General Provident Fund scheme, such option shall be treated as final and no change in such option shall be allowed thereafter;

- (b) if a teacher or a non-teaching staff, who had been a subscriber to the Contributory Provident Fund scheme and opted for shifting from Contributory Provident Fund Scheme to General Provident Fund scheme, such teacher or non-teaching staff shall not be entitled to get the employers' contribution made to his credit in the Contributory Provident Fund scheme.

Protection of
teacher and non-
teaching staff.

16. Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of a teacher or a non-teaching staff in the employment of a school, immediately before the commencement of this Act, shall not be varied to his disadvantage in so far as such terms and conditions relate to the appointment of such teachers and non-teaching staff to the posts held by them immediately before the commencement of this Act.

Penalty.

17. Whoever contravenes the provisions of section 4 or section 5, shall be punishable with imprisonment for a term not exceeding two years, or with fine, or with both.

Cognizance of
offences.

18. No prosecution shall be instituted under this Act without the previous sanction of the State Government.

Protection of
action taken in
good faith.

19. No suit, prosecution or other legal proceeding shall lie against any officer of the State Government for anything which is in good faith done or intended to be done in the discharge of his duties under this Act or the rules or orders made thereunder.

Act to have
overriding effect.

20. The provisions of this Act or any rules or orders made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, custom or usages to the contrary.

*The West Bengal Schools (Control of Expenditure)
Act, 2005.*

(Sections 21, 22.)

Power to remove
difficulties.

21. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State Government may consider necessary for removing such difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

Power to make
rules.

22. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for any matter, which may be or is required to be prescribed.

(3) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

By order of the Governor,
MD. HESAMUDDIN,
Secy.-in-charge to the Govt. of West Bengal,
Law Department.

The

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CAITRA 11]

TUESDAY, APRIL 1, 1997

[SAKA 1919

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 936-L.—1st April, 1997.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act IV of 1997

**THE WEST BENGAL SCHOOL SERVICE COMMISSION
ACT, 1997.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 1st April, 1997.]

An Act to provide for the constitution of Regional School Service Commissions and a Central School Service Commission in West Bengal and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the constitution of Regional School Service Commissions and a Central School Service Commission in West Bengal and for matters connected therewith or incidental thereto;

It is hereby enacted in the Forty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the West Bengal School Service Commission Act, 1997.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Board" means the West Bengal Board of Secondary Education established under the West Bengal Board of Secondary Education Act, 1963;

West Ben. Act V
of 1963.

*The West Bengal School Service Commission
Act, 1997.*

(Section 2.)

- (b) "Board of Madrasah" means the West Bengal Board of Madrasah Education established under the West Bengal Board of Madrasah Education Act, 1994;
- (c) "Central Commission" means the West Bengal Central School Service Commission constituted under section 3;
- (d) "Chairman" means the Chairman of the Commission;
- (e) "Commission" means the Central Commission or the Regional Commission;
- (f) "Council" means the West Bengal Council of Higher Secondary Education established under section 3 of the West Bengal Council of Higher Secondary Education Act, 1975;
- (g) "Headmaster" or "Headmistress" means the head of the teaching staff of a school, by whatever name he or she may be designated;
- (h) "Madrasah" means an educational institution imparting instruction in—
 - (i) High Madrasah Education System within the meaning of sub-clause (i), or
 - (ii) Senior Madrasah Education System within the meaning of sub-clause (ii),

West Ben. Act
XXXIX of 1994.

West Ben. Act
VIII of 1975.

of clause (g) of section 2 of the West Bengal Board of Madrasah Education Act, 1994,

and includes a Junior High Madrasah.

Explanation.—"Junior High Madrasah" shall have the same meaning as in clause (e) of section 2 of the West Bengal Board of Madrasah Education Act, 1994;

- (i) "member" means a member of the Commission, and includes the Chairman;
- (j) "notification" means a notification published in the *Official Gazette*;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "Regional Commission" means the West Bengal Regional School Service Commission constituted under section 3;
- (m) "regulations" means the regulations made by the Central Commission under this Act;
- (n) "school" means a recognised non-Government aided—
 - (i) secondary school, or educational institution, or part or department of such school or institution, imparting instruction in a secondary education, or
 - (ii) higher secondary school, or educational institution (other than a college), or part or department of such school or institution, imparting instruction in higher secondary education, or
 - (iii) Madrasah,

and includes a sponsored school.

Explanation I.—"Recognised" with its grammatical variations, used with reference to a school, shall mean—

- (a) recognised or deemed to have been recognised under the West Bengal Board of Secondary Education Act, 1963, or
- (b) recognised under the West Bengal Council of Higher Secondary Education Act, 1975, or
- (c) recognised or deemed to have been recognised under the West Bengal Board of Madrasah Education Act, 1994.

West Ben. Act
V of 1963.

Explanation II.—"Aided" with its grammatical variations, used with reference to a school, shall mean aided by the State Government in the shape of financial assistance towards the basic pay of the teachers of that school.

*The West Bengal School Service Commission
Act, 1997.*

(Section 3.)

Explanation III.—"Basic pay" shall mean the monthly pay of a teacher of a school which corresponds to a stage in the time-scale of pay of the post held by the teacher in that school.

Explanation IV.—"Secondary Education" shall have the same meaning as in clause (1) of section 2 of the West Bengal Board of Secondary Education Act, 1963.

West Ben. Act
V of 1963.

Explanation V.—"Higher secondary education" shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975.

West Ben. Act
VIII of 1975.

Explanation VI.—"Sponsored school" shall mean a school declared as a sponsored school by the State Government by notification;

- (o) "Secretary" means the Secretary of the Commission;
- (p) "Teacher" means an Assistant Teacher or any other person, holding a teaching post of a school and recognised as such by the Board or the Council or the Board of Madrasah, as the case may be, and includes the Headmaster or the Headmistress.

Constitution of
Commission.

3. (1) The State Government shall, with effect from such date as it may, by notification, appoint, constitute—

- (a) a Central Commission by the name of the West Bengal Central School Service Commission, and
- (b) a Regional Commission by the name of the West Bengal Regional School Service Commission, in respect of each of the regions referred to in sub-section (2).

(2) For the purposes of clause (b) of sub-section (1), the territory of the State of West Bengal shall comprise four regions to be called the Eastern Region, the Southern Region, the Western Region and the Northern Region; each such region shall comprise such district or districts or part of a district as the State Government may, by notification, determine, and the territorial jurisdiction of a Regional Commission shall be construed accordingly.

Explanation I.—Calcutta as defined in clause (9) of section 2 of the Calcutta Municipal Corporation Act, 1980, shall, for the purposes of this Act, be deemed to be a district.

West Ben. Act
LIX of 1980.

Explanation II.—Part of a district shall ordinarily mean a sub-division, or two or more, but not all, sub-divisions taken together, of that district as may be specified in the notification under this sub-section:

Provided that if the area of a district, or any part of a district, other than Calcutta, overlaps any part of the area included in Calcutta, such overlapping area shall be excluded from the territorial jurisdiction of the Regional Commission in respect of such district and shall be included within the territorial jurisdiction of the Regional Commission in respect of Calcutta.

(3) The State Government may, at any time, by notification enlarge or reduce the territorial jurisdiction of a Regional Commission constituted under clause (b) of sub-section (1).

- (4) (a) The Commission shall consist of five members of whom one shall be the Chairman.
- (b) Of the five members as aforesaid, one shall be a person who, not being an educationist, occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service, and the others shall have teaching experience, either as a Teacher of a University or as a Principal of a college for a period of not less than ten years, or as a teacher, other than Principal of a college, or as a Headmaster or Headmistress, for a period of not less than fifteen years.

*The West Bengal School Service Commission
Act, 1997.*

(Sections 4-8.)

Appointment and
terms and
conditions of
service of
members.

4. (1) (a) The Chairman and other members shall be appointed by the State Government.
(b) The Chairman and other members shall hold office for a term of four years:

Provided that a person who has held office as Chairman or other member shall, on the expiration of the term of his office, be eligible for further appointment as Chairman or other member:

Provided further that no person who has attained the age of sixty-two years shall be eligible to hold office as Chairman or other member.

(2) If the office of the Chairman or any other member becomes vacant by reason of resignation or otherwise or if the Chairman is, by reason of absence or for any other reason, unable to perform the duties of his office, then, until a Chairman or other member is appointed under sub-section (1) or until the Chairman resumes his duties, as the case may be, the duties of the Chairman or the other member, as the case may be, shall be performed by such other member as the State Government may appoint in this behalf.

(3) The Chairman or any other member may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) (a) The office of the Chairman shall be whole-time; the other members shall be honorary.

(b) The salary of the Chairman and the honorarium of the other members shall be such as may be determined by the State Government.

(c) Subject to the foregoing provisions of this sub-section, the other terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

Removal of
member.

5. The State Government may, after making inquiry in such manner as may be prescribed, remove the Chairman or any other member from his office on the ground of—

- (a) misconduct involving moral turpitude, or
- (b) insolvency, or
- (c) infirmity of body or mind.

Staff of
Commission.

6. (1) The staff of the Commission shall consist of—

- (a) a Secretary who shall be appointed by the State Government, and
- (b) such other employees as the Commission may, with the previous approval of the State Government, appoint from time to time.

(2) The salary of the Secretary and of the other employees of the Commission shall be such as may be determined by the State Government.

(3) The other terms and conditions of service—

- (a) of the Secretary shall be such as may be prescribed, and
- (b) of the other employees of the Commission shall be such as may be provided for by regulations.

Functions of
Regional
Commission.

7. Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Regional Commission to select persons for appointment to the posts of Teachers in schools within its territorial jurisdiction.

Manner and
scope of
selection of
persons and
procedure for
conduct of
business of
Commission.

8. (1) The manner and scope of selection of persons for appointment to the posts of Teachers shall be such as may be prescribed.

(2) The procedure for the conduct of business of the Commission shall be such as may be provided for by regulations.

*The West Bengal School Service Commission
Act, 1997.*

(Sections 9-16.)

Effect of
recommendation
of Commission.

9. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, appointments to the posts of Teachers in a school shall be made by the managing committee, by whatever name called, or by the ad hoc committee, or by the administrator, if any (where there is no managing committee), of that school on the recommendation of the Regional Commission having jurisdiction.

(2) Any appointment of a Teacher made on or after the commencement of this Act in contravention of the provisions of this Act shall be invalid and shall have no effect and the Teacher so appointed shall not be a Teacher within the meaning of clause (p) of section 2.

Protection of
Teachers.

10. Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of Teachers in the employment of a school immediately before the commencement of this Act shall not be varied to the disadvantage of such Teachers in so far as such terms and conditions relate to the appointment of such Teachers to the posts held by them immediately before the commencement of this Act.

Power of
Commission
to call for
records etc.

11. The Commission may call for any record, report or other information from any school or the Board or the Council or the Board of Madrasah if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the school or the Board or the Council or the Board of Madrasah, as the case may be, shall furnish such record, report or other information to the Commission.

Report of
Central
Commission.

12. It shall be the duty of the Central Commission to present annually to the State Government a report as to the work done by the Central Commission and each Regional Commission and, on receipt of such report, the State Government shall cause a copy thereof to be laid before the State Legislature.

Members etc.,
to be public
servants.

13. The Chairman and other members and persons appointed under this Act shall, while acting or purporting to act under this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Validation.

14. The proceedings of the Commission shall not be invalid by reason of any vacancy in the office of the Chairman or any other member.

Act not to
apply in
relation to
certain schools.

15. The provisions of this Act shall not apply to—

- (a) a school established and administered by a minority, whether based on religion or language, or
- (b) a school under any trust, established and administered by a minority, whether based on religion or language, or
- (c) a school not in receipt of any financial assistance from the State Government, or
- (d) a school in receipt of a financial assistance from the State Government towards dearness allowance only of Teachers of such school, or
- (e) a Government school.

Explanation.—"Government school" shall mean a school maintained and managed by the State Government or the Government of India or the Railway Board under the Ministry of Railway, Government of India.

Functions of
Central
Commission.

16. (1) The Central Commission shall monitor, supervise, control and co-ordinate the activities of the Regional Commission which shall be subordinate to the Central Commission.

*The West Bengal School Service Commission
Act, 1997.*

(Sections 17-21.)

(2) The Central Commission may call for any record, report or other information from a Regional Commission if, in the opinion of the Central Commission, such record, report or other information is necessary for efficient discharge of its functions, and the Regional Commission shall furnish such record, report or other information to the Central Commission.

(3) It shall be the duty of the Central Commission to advise the State Government on such matters as may be referred to it by the State Government.

Power to
make rules.

17. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

- (a) the terms and conditions of service of the Chairman and other members under clause (c) of sub-section (4) of section 4;
- (b) the manner in which an inquiry is to be made for removal of the Chairman or any other member under section 5;
- (c) the terms and conditions of service of the Secretary under clause (a) of sub-section (3) of section 6;
- (d) the manner and scope of selection of persons for appointment to the posts of Teachers under sub-section (1) of section 8;
- (e) any other matter which may be, or is required to be, prescribed.

Power to make
regulations.

18. (1) The Central Commission may, with the previous approval of the State Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, for discharging the functions of the Commission under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters:—

- (a) the terms and conditions of service of the employees of the Commission under clause (b) of sub-section (3) of section 6;
- (b) the procedure for the conduct of business of the Commission under sub-section (2) of section 8.

Directions by
State
Government.

19. In the discharge of its functions the Commission shall be guided by such directions as may be given to it by the State Government from time to time in conformity with the provisions of this Act.

Dissolution of
Commission.

20. (1) If the State Government is of the opinion that the Commission has failed to discharge its functions under this Act in accordance with the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, and stating the reasons therefor, dissolve the Commission with effect from such date as may be specified in the order.

(2) Upon the dissolution of the Commission under sub-section (1), all the members of the Commission shall be deemed to have vacated their respective offices with effect from the date of such dissolution.

(3) The State Government may, at any time after the dissolution of the Commission under sub-section (1), reconstitute the Commission in accordance with the provisions of this Act.

Repeal.

21. The West Bengal School Service Commission Ordinance, 1995, is hereby repealed.

West Ben. Ord.
VIII of 1996.

By order of the Governor,

S. MAITRA,
Special Officer & ex officio
Jt. Secy. to the Govt. of West Bengal.

The

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FRIDAY, MARCH 4, 2016

[SAKA 1937

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Minority Affairs & Madrasah Education Department
Nabanna, Howrah - 711102

No. 486-MD/O/2M-11/2016

Dated the 3rd March, 2016.

NOTIFICATION

WHEREAS clause (1) of article 30 of the Constitution of India states that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

AND WHEREAS in pursuance of article 30 of the Constitution this Department vide Notification No.1465-MD/07 dt.12.10.2007 declared all recognized and aided Madrasahs in the State as Minority Educational Institutions.

AND WHEREAS the Hon'ble Division Bench of the Calcutta High Court by a judgement dated 9.12.15 in appeals (MAT 473 of 2014& AST 130 of 2014) against the judgement of the Single Judge of the Calcutta High Court in W.P. No. 20650 (W) of 2013 inter alia held that The West Bengal Madrasah Service Commission Act, 2008 (West Bengal Act XXV of 2008) to be unconstitutional.

WHEREAS the Hon'ble Division Bench of the Calcutta High Court by a judgement dated 9.12.15 inter-alia had given liberty to provide appointment to the candidates who are empanelled by the West Bengal Madrasah Service Commission awaiting such appointment.

NOW, THEREFORE, the Governor is pleased to order that since a substantial portion of the financial obligations of all non-government recognised aided Madrasahs is met from the grants of the State Government, it is essential that all the Madrasahs should follow an open, rational and transparent norms and procedures to maintain the overall quality of education in the Madrasahs strictly in the matter of recruitment of teaching and non teaching staff in their respective institution—

Procedures

1. **Short title** – These procedures may be called Recruitment Procedures for the Non-Government Recognized Aided Madrasahs (Primary, Junior High, High, Higher Secondary and Senior), 2016.
2. **Qualifications** – The appointed candidate shall fulfil the minimum academic qualifications, professional qualifications, age limit and citizenship as laid down in the Schedule.
3. **Sanctioned vacancies** – The approval of appointment will be accorded against the sanctioned vacancy of the

Madrasah for which sanction memorandum has been issued by the competent authority from time to time.

4. **Publication of Employment Notifications** (1) – The appointment of teaching and non-teaching staff including the post of Head Master/Head Mistress/Superintendent shall take place after selection from the eligible candidates obtained through open advertisement as per **Annexure-I** in at least two State-level dailies, of which one will be in Bengali, in order to satisfy the provision of equality of opportunity as enshrined in Article 16 of the Constitution of India.
 - (2) The Madrasah Managing Committee shall submit a prayer to the concerned District Inspector of School for approval of service of the candidate appointed through open advertisement for filling up the vacant post of teaching and non-teaching staff including the post of Head Master/Head Mistress/Superintendent as per **Annexure II**.
5. **Selection Committee** – The appointment shall be made by the Madrasah Managing Committee which will frame the norms and selection procedure, at least three months before the Written Test and Interview of the appointment in question and the same is to be communicated to the office of the District Inspector of Schools (PE)/(SE)/ Additional District Inspector of Schools (PE)/(SE) concerned and the Director of Madrasah Education, West Bengal. The Madrasah Managing Committee shall also constitute a selection committee for this purpose and intimate the same to the concerned Inspector of Schools.
6. **Gender** – No male teacher shall be appointed in a Girls' Madrasah whereas female teacher can be appointed in all Madrasahs.
7. **Appointment of Headmaster/Headmistress/ Superintendent/ Assistant Teachers/Non-Teaching staff including Librarian** – The appointment of Headmaster/Headmistress/Superintendent/Assistant Teacher /Non-Teaching staff including Librarian shall be made against a sanctioned vacant post.
8. **Appointment in Die-in-Harness cases** – One ward (spouse/son/daughter) of the deceased teacher or non-teaching staff who dies while in service may be appointed against a clear sanctioned vacancy of the non-teaching post in the same Madrasah provided the ward shall fulfil the minimum qualification to the post in question as laid down in the Schedule and shall apply to the Madrasah Authority within a period of two years of the death of the teacher or non-teaching staff.
9. **Appointment** – (1) The Headmaster/Headmistress/ Assistant Headmaster/ Assistant Headmistress/ Superintendent/ Assistant Superintendent/Assistant Teacher/Non-teaching Staff shall be appointed by the Madrasah Managing Committee.
 - (2) The sanctioned vacant post of the Assistant Headmaster/ Assistant Headmistress/ Assistant Superintendent of the Madrasah in question, may be filled up from amongst the sanctioned strength of Teaching Staff provided the minimum enrolment of the Madrasah is not less than 500 in case of a Madrasah running classes upto Class X and the minimum enrolment of the Madrasah is not less than 750 in case of a Madrasah running classes upto Class XII and provided the incumbent fulfils the minimum qualification for the post of Assistant Headmaster/ Assistant Headmistress/ Assistant Superintendent as laid down in the Schedule.
10. **Prior Permission** – No prior permission shall be required for issuance of advertisement and starting the process to fill up any vacant post duly sanctioned by the State Government or the Director of Madrasah Education, West Bengal provided the terms and conditions as stated in these Procedures are fulfilled.
11. **Roster of vacancies** – 100-point roster in respect of reservation rules for SC/ST/OBC is not applicable for appointment to the teaching and non-teaching posts in the Non-Government Recognized Aided Madrasahs as they are minority educational institutions.
12. **Transfer** – (1) There may be mutual transfer of any approved and confirmed Headmaster/ Headmistress/ Assistant Headmaster/ Assistant Headmistress/ Superintendent/ Assistant Superintendent/ Assistant Teacher appointed against the same category of vacancy and teaching the same subject in any other Madrasah provided the Managing Committee of both Madrasahs agree and give a "No Objection" for the same.
 - (2) There may be mutual transfer of any approved and confirmed Non-Teaching Staff holding the same category of post in any other Madrasah provided the Managing Committee of both Madrasahs agree and give a "No Objection" for the same.

- (3) Any teaching and non-teaching staff on his written prayer may be transferred to a vacant post equal in all respects in any other Madrasah provided the Managing Committee of both Madrasahs agree and give a "No Objection" for the same.
 - (4) The option of mutual transfer / transfer on prayer can be exercised only once in their/ his service period.
 - (5) Any mutual transfer or a transfer on prayer proposed by the respective Madrasah Management Committee shall subsequently be approved by the District Inspector of Schools (PE)/(SE) concerned if it is within his territorial jurisdiction and by the Director, Madrasah Education in all other cases, provided that the proposal has abided by the terms and conditions given in these Procedures. The Madrasah Management Committee shall submit a proposal for approval by way of mutual transfer / transfer on prayer for filling up the vacant posts of teaching and non-teaching staff including the post of Head Master/Head Mistress/ Assistant Headmaster/ Assistant Headmistress/ Superintendent/ Assistant Superintendent/ Assistant teachers/ Non-teaching staff as per **Annexure-III**.
13. **Approval of appointment or transfer** – The District Inspector of Schools (PE)/ (SE) / Director, Madrasah Education as the case may be, shall communicate his decision in respect of approval of appointment/approval of transfer strictly following the above guidelines within 45 working days from the date of receipt of the application complete in all respects. If the District Inspector of Schools (PE)/(SE) is unable to approve the appointment, he shall communicate his views stating the reasons of his inability for not according approval of the same with a copy to the Director of Madrasah Education, West Bengal. In case no communication of approval/non-approval is received from the District Inspector of Schools (PE)/ (SE) within a period of 60 days from the date of receipt of the application from concerned Madrasah, the Madrasah Managing Committee will move to the Director of Madrasah Education with a copy to the Minority Affairs and Madrasah Education Department, Government of West Bengal and on receipt of such communication, the Director of Madrasah Education shall take appropriate action within a period of 45 days subject to terms and conditions as specified in these Procedures with a copy to the Minority Affairs and Madrasah Education Department, Government of West Bengal.
 14. **Appellate Authority** – The Principal Secretary/ Secretary of Minority Affairs & Madrasah Education Department shall be the final appellate Authority in respect of any dispute regarding selection, appointment and transfer of teaching and non-teaching staff under these Procedures.
 15. **Short-Term Vacancy** – The approval of appointment may be accorded against a short term vacancy (Leave/ Deputation etc.) as defined in the West Bengal Schools (Recruitment of Teacher on Vacancy caused by Leave or Deputation) Rules 2006. The selection of candidates having qualifications as stated in the Schedule, must be made through open advertisement (as per **Annexure-IV**) of the vacancy in at least two State-level dailies, one in Bengali, in order to meet the requirement of equality of opportunity as enshrined in the Article 16 of the Constitution of India. The Madrasah authority shall submit the prayer for approval of service for a short-term vacancy as per **Annexure II**.
 16. **Madrasah** – A Madrasah means a Non-Government Aided Recognized Madrasah notified as a minority educational institution vide Notification No.1465-MD/07 dated 12.10.17 or by any notification made from time to time by the State Government.
 17. **Statutory obligation** – (1) The State Government in the Minority Affairs & Madrasah Education Department or the Director of Madrasah Education or the District Inspector of Schools (PE)/ (SE) concerned shall not take any financial responsibility for any appointment, if made in violation of these Procedures.
(2) Recruitment procedure initiated before this notification, shall be completed as per provisions of the Order No 93-SE/S/10R-14/2013 dated 9.2.15 of the School Education Department.
 18. **Alternative Recruitment Procedure** – Notwithstanding anything prescribed in these Procedures a Madrasah Managing Committee may appoint a teaching staff against a clear vacancy from amongst the candidates already empanelled by the West Bengal Madrasah Service Commission.
 19. **Interpretation** – The power to interpret these Procedures rests with the State Government in the Minority Affairs & Madrasah Education Department. If any question relating to the interpretation of these Procedures arises, it shall be referred to the State Government in the Minority Affairs & Madrasah Education Department whose decision thereon shall be final.

Schedule
(See Procedure 2)

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
1	Headmaster/ Headmistress of High Madrasah /Higher Secondary Madrasah	Essential: (i) Master's Degree from a UGC recognized University with at least 50% marks at the Post Graduate Level with degree in Bachelor of Teaching/ Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE)/ Rehabilitations Council of India (RCI) in the relevant academic session: Provided that the above criteria of marks shall not apply to a Headmaster/Headmistress/ Superintendent already appointed in Jr. High/High/ Higher Secondary School or Madrasah /Senior Madrasah prior to publication of these regulation; AND (ii) Ten years continuous teaching experience on the last date of submission of application in approved service in a Jr. High/High/Higher Secondary School or Madrasah /Senior Madrasah or more than one, recognized by the West Bengal Board of Madrasah Education/West Bengal Council of Higher Secondary Education/West Bengal Board of Secondary Education. Desirable :Knowledge of Madrasah Education System, Islamic Studies and Culture.	Upto 55 years
2	Superintendent of Senior Madrasah	Essential: (i) Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udaba with Kamil/Kamil (General)/Kamil (Hons.) with 50% marks from the West Bengal Board of Madrasah Education/Aliah University having at least 45% marks in average at the Alim and Fazil taken together. OR Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udaba with Kamil/Kamil (General)/Kamil (Hons.) but with Graduate/ Postgraduate with 50% having at least 45% marks in average at the Alim and Fazil taken together. Note a) In case of fraction the nearest digits shall be taken into consideration for computation of percentage. If the same is .5, the next digit shall be taken into account/consideration in such computation.	Upto 55 years

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
		b) Provided that the above criteria of marks shall not apply to an approved Headmaster/Headmistress already appointed in Jr. High/High/Higher Secondary School or Madrasah and Superintendent in case of Senior Madrasah (having essential eligibility) prior to publication of these regulation; (ii) Degree in Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitations Council of India (RCI) in the relevant academic session. (iii) Ten years continuous teaching experience on the last date of submission of application in approved service in a Jr. High/High/Higher Secondary School or Madrasah /Senior Madrasah or more than one, recognized by the West Bengal Board of Madrasah Education/West Bengal Council of Higher Secondary Education/West Bengal Board of Secondary Education. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture.	
3	Headmaster/ Headmistress of Junior High Madrasah	Essential: (i) Master's Degree from a UGC recognized University with at least 50% marks at the Post Graduate Level, with degree in Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE). (ii) Five years continuous teaching experience on the last date of submission of application in approved service in a Higher Secondary School/High School/ Junior High Madrasah recognized by the West Bengal Council of Higher Secondary Education/ West Bengal Board of Secondary Education. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture.	Upto 55 years
4	Assistance teacher for the post of Graduate Teacher (for classes IX and X) of High Madrasah/Senior Madrasah/Jr. High Madrasah	Essential: (a) Graduate/ Post Graduate from Recognised University with at least 50% marks in either Graduation or Post Graduation (or its equivalent) and Bachelor of Education (B.Ed) from National	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
		Council for Teacher Education recognised institution; or (b) Graduate/ Post Graduate from Recognised University with at least 45% marks in either Graduation or Post Graduation (or its equivalent) and Bachelor of Education (B.Ed) from National Council for Teacher Education recognised institution {in accordance with the National Council for Teacher Education(form of application for recognition, the time limit of submission of application, determination of norms and standards for recognition of Teacher Education Programmes and permission to start new course or training) Regulations, 2002 notified on 13.11.2002 and the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2007 notified on 10.12.2007} or (c) 4-Years degree of B.A. B.Ed/ B.Sc B.Ed from any National Council for Teacher Education recognised institutions. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture.	Scheduled Caste/ Scheduled Tribe candidates, 3years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
5	Assistance Teacher for the post of Graduate Teacher (for classes V to VIII) of High Madrasah/Jr. High Madrasah	Essential: (a) Graduate from Recognised University with at least 50% marks (or its equivalent) having concerned subject as combination subject of at least 300 marks at the degree level (or 200 marks in the old degree courses) and Bachelor of Education (B.Ed) from National Council for Teacher Education recognised institution; Note : (i) For the post of Assistant Teacher in Pure Science Group, a candidate should have at least any two of the following subjects namely Chemistry, Physics and Mathematics as combination of subject. (ii) For the post of Assistant Teacher in Bio Science a candidate should have at least any two of the following subjects namely Zoology, Botany and Physiology as combination of subject. For the purpose of this sub-clause, a Bachelor's Degree as stated above shall not include a Special B.A. in any subject. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture.	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
6	Assistance Teacher for Senior secondary/Intermediate (for classes XI and XII)	Essential : (a) Post Graduate with at least 50% marks (or its equivalent) from Recognised University and Bachelor of Education (B.Ed) from National Council for Teacher Education recognised institution; or	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Sched-

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
		(b) Post Graduate with at least 45% marks (or its equivalent) from Recognised University and Bachelor of Education (B.Ed) from National Council for Teacher Education recognised institution {in accordance with the National Council for Teacher Education(form of application for recognition, the time limit of submission of application, determination of norms and standards for recognition of Teacher Education Programmes and permission to start new course or training) Regulations, 2002 notified on 13.11.2002 and the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2007 notified on 10.12.2007} or (c) Post Graduate with at least 50% marks (or its equivalent) from Recognised University and B.Ed from any National Council for Teacher Education recognised institutions. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture.	uled Caste/Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
7	Assistant Teacher of Senior Madrasah/High Madrasah/Jr. High Madrasah for the post of Arabic in Language Group in the Hons./Post Graduate Category	Essential : (i) Kamil (Hons.) or Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udaba with Kamil/Kamil (General)/Kamil (Hons.) with 50% marks from the West Bengal Board of Madrasah Education/Aliah University or any other recognized University. (ii) Degree in Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitations Council of India (RCI) in the relevant academic session: Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture.	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
8	Assistant Teacher of Senior Madrasah/High Madrasah/Jr. High Madrasah for the post of Advance Arabic (Islam Parichoy)/ Theology (Group) equivalent to Hons./Post Graduate Category	Essential : (i) Kamil (Hons.) or Mumtazul Muhaddethin/Mumtazul Fuquha/Mumtazul Udaba with Kamil/Kamil (General)/Kamil (Hons.) with 50% marks from the West Bengal Board of Madrasah Education/Aliah University or any other recognized University. (ii) Degree in Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
		duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitations Council of India (RCI) in the relevant academic session: Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture.	
9	Assistant Teacher for the post of Work Education in School	Essential: (i) Graduate from a UGC recognised university with Post Graduate Basic Training or Work Education as a subject in Bachelor of Education in regular course from a Teacher's Training Institution duly recognised by the National Council for Teacher Education (NCTE); Or (ii) Graduate with Degree or Diploma in Art and Craft from any UGC recognised University/ any UGC recognised educational Institution affiliated to any University; Or (iii) Graduate with Degree or Diploma in Tailoring and needle work from any Institution duly recognised by any UGC recognised University/ from any UGC recognised University; Or (iv) Graduate from UGC recognised University with at least two years Degree or Diploma in the Work Education curriculum awarded by any UGC recognised University; Or (v) Graduate Degree in Home Science or Agriculture or Graduate in Computer Science or Information Technology or Software systems from any UGC recognized University; Or (vi) Graduate in General Stream in Arts/Science/Commerce with Computer Science or Computer Application as a subject of at least 300 marks at the degree level from any UGC recognised University; Or (vii) Graduate Degree in Home Science or Agriculture or Graduate in Computer Science or Information Technology or Software systems from any UGC recognized University; Or (viii) Graduate in General Stream in Arts/Science/Commerce with Computer Science or Computer Application as a subject of at least 300 marks at the degree level from any UGC recognised University;	Minimum 20 years and maximum 40 years. Upper age limit is however relaxable by 5 years for Scheduled Caste/Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
10	Assistant Teacher for the post of Physical Education in School	Essential:- (i) Bachelor's Degree with Physical Education as an elective subject with 50% marks; Or Bachelor's Degree with Physical Education as an elective subject with 45% marks and participation in National or State or Inter University competitions in sports or games or athletics recognized by Association of Indian University or Indian Olympic Association; Or Bachelor's degree with 45% marks and having participated in National or State or Inter-University sports or games or athletics; Or For deputed in-service candidates (i.e. Trained Physical Education Teachers/ Coaches), Graduation with 45% marks and at least 3 years of teaching experience as per National Council for Teachers Education (Recognition Norms and Procedures) Regulations, 2009; Or Graduate in Physical Education with 40% marks; Or Graduate with Physical Education as an elective subject with 40% marks. Or Graduate who participated school, Inter-Collegiate in sports/games or passed NCC 'C' Certificate in accordance with the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2007 notified on 10.12.2007; Or Graduate in Physical Education i.e. B.P.Ed. course (or its equivalent) of 3 years duration; Or Graduate having represented State/University in sports/games/athletics; Or Graduate who has secured 1st, 2nd or 3rd position in Inter-Collegiate sports/games/tournaments/ possessing NCC 'C' Certificate or passed basic course in Adventure Sports; Or Graduate with one year training programme in Sports Scheme, Sports Management, Sports Coaching, Yoga, Olympic Education, Sports Journalism etc. (in accordance with the National Council for Teacher Education (Forms of application for recognition, the time limit of	Minimum 20 years and maximum 40 years. Upper age limit is however relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically H a n d i c a p p e d Candidates.

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
		submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course or training) Regulations, 2002 notified on 13.11.2002; (ii) Bachelor of Physical Education (B.P.Ed) of at least one year duration (or its equivalent) from any National Council for Teacher Education recognised institution.”.	
11	Assistant Teacher of Senior Madrasah/High Madrasah/Jr. High Madrasah for the post of Arabic in Language Group in the Pass Graduate Category	Essential : (i) Mumtazul Muhaddethin/Mumtazul Fuquha/ Mumtazul Udaba without Kamil/Kamil (General)/ Kamil (Hons.) or Kamil/Kamil (General) with 50% marks from the West Bengal Board of Madrasah Education/Aliah University or any other recognized University. (ii) Degree in Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitations Council of India (RCI) in the relevant academic session: Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
12	Assistant Teacher of Senior Madrasah/High Madrasah/Jr. High Madrasah for the post of Advance Arabic (Islam Parichoy)/ Theology (Group) equivalent to Pass Graduate Category	Essential : (i) Mumtazul Muhaddethin/Mumtazul Fuquha/ Mumtazul Udaba without Kamil/Kamil (General)/ Kamil (Hons.) or Kamil/Kamil General with 50% marks from the West Bengal Board of Madrasah Education/Aliah University or any other recognized University. (ii) Degree in Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE)/Rehabilitations Council of India (RCI) in the relevant academic session: Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
13	Assistant Teacher (Under Graduate Category) for the Post of Arabic	Essential : (i) Fazil held from 1993 onwards and M.M. prior to that of West Bengal Board of Madrasah Education with 50% marks. (ii) Junior Basic Training or any training recognized by the State Government as equivalent Junior Basic Training (from a Teachers' Training Institution) duly recognized by the NCTE in the relevant Academic Session. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
14	Assistant Teacher (Under Graduate Category) for the Post of General Subjects	Essential : (i) Higher Secondary with Urdu or Bengali as the case may be, from the West Bengal Council or Higher Secondary Education or equivalent with 50% marks. (ii) Junior Basic Training or any training recognized by the State Government as equivalent Junior Basic Training (from a Teachers' Training Institution) duly recognized by the NCTE in the relevant Academic Session. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
15	Librarian	Essential : (i) Graduate or equivalent with Diploma/Degree in Library Science of at least one year duration as regular/external/private candidate or through distant mode of education/correspondence course. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture	Minimum 20 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
16	Clerk	Essential : (i) Passed Madhyamik/High Madrasah/Alim Examination or its equivalent or old H.S. in lieu of Madhyamik or its equivalent. Desirable : Knowledge & skill in operating and using Computer including Typing, Madrasah Education System, Islamic Studies and Culture	Minimum 18 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
17	Group D (including Lab Attendant)	Essential : (i) Passed Class VIII from any School/Madrasah recognized by or affiliated to the West Bengal Board of Secondary Education/West Bengal Board of Madrasah Education or equivalent/any approved Madrasah or Madhyamik Shiksha Kendra under Minority Affairs and Madrasah Education Department/Madhyamik Shiksha Kendra under Panchayet and Rural Development Department. Desirable : Knowledge of Madrasah Education System, Islamic Studies and Culture	Minimum 18 years and maximum 40 years. Upper age limit is, however, relaxable by 5 years for Scheduled Caste/ Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.

Annexure I

(See procedure 4(1))

Following information shall be given in the open advertisement for filling up vacant posts of Teaching (including Headmaster/ Headmistress/Superintendent)/Non-teaching Staff/Librarian.

1. Name of the Madrasah with complete postal Address along with PIN Code, Phone No.:
2. Whether the Madrasah is fully aided.
3. Name of the Post: - Headmaster/ Headmistress/ Superintendent/ Teacher/ Non-Teaching staff/ Librarian.
4. Scale of Pay attached to post in question as per the latest ROPA:-
5. If the vacant post is meant for Teacher, the following information is to be given:-
 - (a) Category: - (i) Pass vacancy or (ii) Honours/PG vacancy
 - (b) Subject:
 - (c) Group:-Language/Science & Mathematics/ Social Science/ Work Education & Physical Education and Social Service/HS/Fazil Section.
6. The minimum academic qualifications, professional qualifications, age limit, teaching experience and citizenship.

Annexure II

(See procedure 4(2))

Prayer for approval of service appointed through open advertisement for filling up vacant posts of Teacher (including Headmaster/Headmistress/Superintendent)/Non-teaching staff/Librarian.

Following details to be given by the Madrasah authority:

1. Copy of the approval of post (sanction memo) issued by the competent authority/ Documents for issuing an appointment letter as per time schedule.
2. Name of the Madrasah with complete postal address along with PIN Code, Phone No.:
3. Whether the Madrasah is fully aided.
4. Validity of the Managing Committee of concerned Madrasah:- [A certificate to be submitted by the Head of the Institution]
5. Name of the Post: - Headmaster/Headmistress/Teacher/Non-Teaching staff/Librarian.
6. Scale of Pay as per the latest ROPA attached to post advertised:
7. Cause of vacancy:-New creation of post duly sanctioned by the competent authority/Retirement/ Resignation/ Death-in-harness/Dismissal duly approval of the competent authority/transfer. [Supporting papers duly attested to be submitted]
8. Date of occurrence of the vacancy:-
9. Whether the post is free from litigation:- [A certificate to be submitted by the Head of the Institution]
10. If the vacant post is meant for Non-Teaching, the following information is to be given:
 - (a) Whether the vacancy is determined as per existing norms.
 - (b) The vacancy is meant for Category of vacancy: - Gr.D/Clerk/Librarian
11. If the vacant post is meant for Teacher, the following information is to be given: (a) Category: - (i) Pass vacancy or (ii) Hons/PG vacancy
 - (b) Subject:
 - (c) Group: - Language/Science & Mathematics/ Social Science/ Work Education & Physical Education and Social Service/HS Section.
 - (d) Nature of Posts: - Normal vacancy/Additional vacancy for Normal section/Additional vacancy for HS section.
 - (e) Whether the vacancy is determined maintaining the existing Madrasah staff pattern as per provision of G.O. No. 670-SE (S) dated 04.09.1998 and 619-SE(S) dt. 30-03- 2012 as amended from time to time (Existing staff pattern and teaching staff in position to be submitted)

12. Name of the appointee to the post:- [duly filled approval form to be submitted]
13. Date of the issuance of the appointment letter:- [copy of appointment letter to be submitted]
14. Date of joining to the post:-[copy of joining report duly authenticated by the head of the institution or Secretary to be submitted]

Annexure III
[See procedure 12]

Prayer for approval of service appointed by way of mutual transfer / transfer on prayer for filling up vacant posts of Teacher including Headmaster/Headmistress/Superintendent/ Non- Teaching staff/Librarian.

Following details to be given by the Madrasah authority:

1. Name of the Madrasah with complete postal Address along with PIN Code, Phone No.:
2. Whether the Madrasah is fully aided.
3. Validity of the Managing Committee of concerned school:- [A certificate to be submitted by the Head of the Institution]
4. Name of the Post: - Teacher/Non-Teaching staff/Librarian.
6. Cause of vacancy:-New creation of post duly sanctioned by the competent authority Retirement/Resignation/Death-in-harness/Dismissal duly approval of the competent authority/transfer. [supporting papers duly attested to be submitted]
7. Name of the authority which sanctioned the post to be filled up:
8. Date of occurrence of the vacancy/post sanctioning memo:
9. Whether the post is free from litigation:- [A certificate to be submitted by the Head of the Institution]
10. If the vacant post is meant for Non-Teaching, the following information is to be given:
 - (a) Whether the vacancy is determined as per existing norms.
 - (b) The vacancy is meant for Category of vacancy: - Gr.D/Clerk/Librarian.
11. If the vacant post is meant for Teacher, the following information is to be given:
 - (a) Category: - (i) Pass vacancy or (H) Hons/PG vacancy
 - (b) Subject:
 - (c) Group:-Language/Science & Mathematics/Social Science/Work Education & Physical Education and Social Service/HS Section.
 - (d) Nature of Posts: - Normal Vacancy/Additional vacancy for Normal section/Additional vacancy for HS section.
 - (e) Whether the vacancy is determined maintaining the existing Madrasah staff pattern as per provision of G.O. No. 670-SE (5) dated 04.09.1998 and 619-SE(S) dt. 30-03- 2012 as amended from time to time. [Existing staff pattern and teaching staff in position to be submitted]
12. Name of the appointee to the post - [duly filled approval form to be submitted]
13. Academic qualifications Madhyamik onwards:-[attested copy to be submitted]
14. Professional qualifications:- [attested copy to be submitted]
15. Age as on the 1st January of the year of advertisement: - [attested copy of valid age proof certificate to be submitted]
16. Citizenship: - [copy of EPIC or PAN Card or Passport to be submitted]
17. Whether the transfer has been approved by the Madrasah authorities and the founder bodies of the concerned school:-[copy of resolution duly attested to be submitted]
18. Earlier Approval of appointment given by the concerned District Inspector of Schools confirmation issued by the competent authority:- [copy duly attested to be submitted]
19. Date of the issuance of the appointment letter:- [copy of appointment letter to be submitted]
20. Date of joining to the post: - [copy of joining report duly authenticated by the head of the institution or Secretary to be submitted]

Annexure IV

(See procedure 15)

Following information shall be given in the open advertisement for filling up vacant posts of short term vacancy of Teaching and Non-teaching staff including Librarian.

1. Name of the Madrasah with complete postal Address along with PIN Code, Phone No.:
2. Whether the Madrasah is fully aided.
3. Name of the Post: - Teaching (Pass vacancy or Honours/ P.G. vacancy or Work Education / Physical Education or mention the subject in case of H.S. posts / Non - Teaching staff/Librarian.
4. Scale of Pay as per the latest ROPA attached to post in question.
5. Nature and period of vacancy.
6. Date, Time and place of interview.
7. The minimum academic qualifications, professional qualifications, age limit and citizenship.

By order of the Governor,

S. Suresh Kumar

Pr. Secy to the Govt. of West Bengal.

REVISED

ITEM NO.35

COURT NO.9

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6661/2016

(Arising out of impugned final judgment and order dated 09/12/2015
in AST No. 192/2014 passed by the High Court Of Calcutta)

SK. MD. RAFIQUE

Petitioner(s)

VERSUS

MANAGING COMMITTEE, CONTAI RAHAMANIA
HIGH MADRASAH & ORS.

Respondent(s)

(with interim relief and office report)

Date : 14/03/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Khairul Alam, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Mr. K.K. Venugopal, Sr. Adv.
Mr. Soumen Dutta, Adv.
Mr. Abu Souel, Adv.
Mr. B.P. Yadav, Adv.
Mrs Sarla Chandra, Adv.

Mr. Soumya Chakraborty, Adv.
Mr. Parijat Sinha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable by four weeks.

Ms. Sarla Chandra, learned counsel accepts notice

for respondent nos. 1 and 2.

Mr. Parijat Sinha, standing counsel for the State of West Bengal accepts notice for respondent nos. 7 to 10.

Dasti, in addition, with respect to other respondents in respect of whom notice is not accepted, is also permitted.

There shall be stay of impugned final judgment and order during the pendency of this petition.

Learned counsel for the parties are permitted to file additional documents, if any.

List the matter after six weeks.

In the meanwhile, counter affidavit shall be filed by all the respondents.

(VINOD KUMAR JHA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

ITEM NO.35

COURT NO.9

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 6661/2016

(Arising out of impugned final judgment and order dated 09/12/2015
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SK. MD. RAFIQUE

Petitioner(s)

VERSUS

MANAGING COMMITTEE, CONTAI RAHAMANIA
HIGH MADRASAH & ORS.

Respondent(s)

(with interim relief and office report)

Date : 14/03/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
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For Petitioner(s) Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Khairul Alam, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Mr. K.K. Venugopal, Sr. Adv.
Mr. Soumen Dutta, Adv.
Mr. Abu Souel, Adv.
Mr. B.P. Yadav, Adv.
Mrs Sarla Chandra, Adv.

Mr. Soumya Chakraborty, Adv.
Mr. Parijat Sinha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable by four weeks.

Ms. Sarla Chandra, learned counsel for respondent

no. 1 accepts notice on behalf of respondent nos. 1 to 7.

Mr. Parijat Sinha, standing counsel for the State of West Bengal accepts notice for respondent nos. 7 to 10.

Dasti, in addition, with respect to other respondents in respect of whom notice is not accepted, is also permitted.

There shall be stay of impugned final judgment and order during the pendency of this petition.

Learned counsel for the parties are permitted to file additional documents, if any.

List the matter after six weeks.

In the meanwhile, counter affidavit shall be filed by all the respondents.

(VINOD KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

Reportable

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE/ORIGINAL/INHERENT JURISDICTION

CIVIL APPEAL NO.5808 OF 2017

Sk. Md. Rafique

...Appellant

VERSUS

Managing Committee,
Contai Rahamania High Madrasah and Others

...Respondents

WITH

C.A. No.6098/2017

CONMT.PET.(C) No.670/2017 In SLP(C) No.6661/2016

CONMT.PET.(C) No.669/2017 In SLP(C) No.6661/2016

CONMT.PET.(C) No.828/2017 In SLP(C) No.6661/2016

C.A. No.5809/2017

C.A. No.5826/2017

C.A. No.5817/2017

C.A. No.5814/2017

CONMT.PET.(C) No.583/2016 In SLP(C) No.6661/2016

C.A. No.5829/2017

W.P.(C) No.723/2016

CONMT.PET.(C) No.846/2016 In SLP(C) No.6661/2016

CONMT.PET.(C) No.1509/2017 in C.A. No.5808/2017

W.P.(C) No.629/2017

CONMT.PET.(C) No.1798/2017 in C.A. No.5808/2017

CONMT.PET.(C) No.937/2018 in C.A. No.5808/2017

CONMT.PET.(C) No.938/2018 in C.A. No.5808/2017

CONMT.PET.(C) No.1219/2018 in C.A. No.5808/2017

CONMT.PET.(C) No.1274/2018 in C.A. No.5808/2017

CONMT.PET.(C) No.1669/2018 in C.A. No.5808/2017

CONMT.PET.(C) No.1921-1922/2018 in C.A. No.5808/2017

J U D G M E N T

Uday Umesh Lalit, J.

1. These appeals arise out of the Judgment and Order dated 09.12.2015 passed by the Division Bench of the High Court¹ dismissing A.S.T. No.192 of 2014 and other connected matters and thereby affirming the decision of the Single Judge of the High Court passed on 12.03.2014 in Writ Petition No.20650 (W) of 2013 which in turn had found Sections 8, 10, 11 and 12 of the West Bengal Madrasah Service Commission Act, 2008 (“the Commission Act”, for short) to be ultra vires.

¹ The High Court of Judicature at Calcutta

2. The aforementioned Writ Petition No.20650(W) of 2013 was filed by the Managing Committee of Contai Rahmania High Madrasah challenging validity of Sections 8, 10, 11 and 12 of the Commission Act submitting, *inter alia*, that by virtue of the provisions of the Commission Act, the process of appointment of teachers in an aided Madrasah, which was recognised as a minority institution, was taken over and entrusted to the Commission appointed under Section 4 of the Commission Act; and that the Commission was empowered under the provisions of the Commission Act to make recommendations which would be binding on the Managing Committee of an aided Madrasah. It was submitted that the provisions of the Commission Act transgressed upon the rights of a minority institution of choosing its own teachers. The submission was accepted by the Single Judge of the High Court and the Writ Petition was allowed. Aggrieved, some of the candidates, including the Appellant herein, whose names were recommended by the Commission to be appointed as teachers in aided Madrasahs, filed appeal being A.S.T. No. 192 of 2014 before the Division Bench of the High Court. C.A.N. No. 3078 of 2014 was filed by the Secretary, West Bengal Madrasah Service Commission while M.A.T. No. 473 of 2014 was filed by State of West Bengal challenging the very same decision of the Single Judge. All the

appeals were dismissed by the Division Bench while affirming the view taken by the Single Judge.

3. The decisions of the Single Judge and the Division Bench have given rise to the present set of Appeals wherein number of Intervention Applications have also been filed.

STATUTORY PROVISIONS

4. The West Bengal Board of Madrasah Education Act, 1994 was enacted to establish a Board of Madrasah Education in West Bengal and to provide for matters connected therewith or incidental thereto. The expressions “Madrasah”, “Madrasah Education”, “Managing Committee” and “Senior Madrasah” are defined in Sections 2(f), (g), (h) and (p) as under:-

“2(f) “Madrasah” means an educational institution imparting instruction in Madrasah Education;

(g) “Madrasah Education” means a system of education in which instruction is imparted in Arabic, Islamic history and culture, and theology, and includes-

(i) High Madrasah Education System which, in addition to covering Arabic language and Islamic history and culture, imparts general education including primary education with a view to qualifying students for admission to a certificate, diploma or degree course instituted by

a University or by a Government or by any statutory authority, and includes such other type of education as the State Government may, in consultation with the Board, specify;

(ii) Senior Madrasah Education System which imparts instruction in Arabic language and literature, Islamic theology, history, culture and jurisprudence and some general education with a view to qualifying students for a certificate, diploma or degree of the Board or a University or a Government or any other statutory authority;

(h) “Managing Committee” used in reference to an Institution means the person or the body of persons for the time being entrusted with the management of the affairs of the Institution;

... ..

(p) “Senior Madrasah” means a Madrasah where the Senior Madrasah Education System is followed.”

4.1 Chapter 2 of the Act *inter alia*, deals with establishment and composition of the Board while Section 18 deals with constitution of various Committees. Section 19 then deals with functions of the Committees as under:-

“19.Functions of Committee.”(1) It shall be the duty of the Recognition Committee to advise the Board on all matters concerning recognition of Institutions.

(2) It shall be the duty of the Syllabus Committee to advise the Board on all matters relating to the syllabus, courses of studies to be followed and the books to be studied in recognised Institutions and for examinations instituted by the Board.

(3) It shall be the duty of the Examinations Committee to advise the Board on –

(a) matters relating to selection of paper setters, moderators, tabulators, examiners, invigilators, supervisors and others to be employed in connection with examinations instituted by the Board and the rates of remuneration to be paid to them;

(b) the fees to be paid by candidates for such examinations; and

(c) any other matter relating to such examinations which may be referred to it by the Board for advice

(4) It shall be the duty of the Finance Committee to prepare the budget of the Board and to advise the Board on such matters relating to finance as may be referred to it by the Board for advice.

(5) (a) All appeals by the members of the teaching and non-teaching staff against the decisions of the Managing Committees of the recognised Institutions shall be heard and decided by the Appeal Committee.

(b) The decisions of the Appeal Committee under clause (a) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Appeal Committee.

(c) Any other Committee or Committees that may be constituted under clause (f) of sub-section (1) of section 18 shall have such powers or functions as the Board may confer or impose on such Committee or Committees.”

4.2 Section 20 deals with functions of the Board as under:-

20. Functions of the Board. – (1) It shall be the duty of the Board to advise the State Government on all matters relating to Madrasah Education referred to it by the State Government.

(2) Subject to any general or special orders of the State government, the provisions of this Act and any rules made thereunder, the Board shall have generally the power to direct, supervise and control Madrasah Education and in particular, the power-

(a) to grant or refuse recognition to Madrasah and to withdraw such recognition if it thinks fit and necessary, after considering the recommendations of the Recognition Committee in accordance with such regulations as might be made in this behalf :

(b) to maintain a register of recognized Madrasahs;

(c) to provide by regulations, after considering the recommendations of the Syllabus Committee, if any, the curriculum, syllabus, courses or studies to be followed and books to be studied in recognized Madrasahs for examinations instituted by the Board;

(d) to undertake, if necessary, with the approval of the State Government, the preparation, publication or sale of text-books and other books for use in recognised Madrasahs;

(e) to maintain and publish list of holidays for recognised Madrasahs, list of books approved for use in recognized Madrasahs and for examinations instituted by the Board and to remove the name of any such book from any such list;

(ee) to maintain, print and issue from time to time, the Registration Certificate, Admit Card, Marksheet, Migration Certificate, Certificates and such other papers as it may thinks fit;

(f) To institute various Madrasah Examinations and such other similar examinations as it may think fit and to make regulations in this behalf;

(g) to set down the conditions to be fulfilled by the candidates presenting themselves for examinations instituted by the Board;

(h) to provide by regulations after considering the recommendations of the Examinations Committee, if any, the rates of remuneration' to be paid to the paper-setters, moderators, tabulators, examiners. invigilators, supervisors and others employed in connection with the examinations instituted by the Board, and, the fees to be paid by candidates for such examinations with the approval of the State Government;

(i) to grant or refuse permission to candidates to appear at examinations instituted by the Board and to withdraw such permission if it thinks fit in accordance with such regulations as may be made in this behalf;

(j) to provide by regulations the procedure for filling and disposal of appeals by the members of the teaching and non-teaching staff against the decisions of the Managing Committees of recognized Madrasahs;

(k) to administer the West Bengal Madrasah Education Board Fund;

(l) to institute and administer such Provident Funds as may be prescribed;

(m) to make regulations relating to the conduct, discipline and appeal in respect of the members of the staff ;

(mm) to make regulations relating to conduct and discipline in respect of teachers and non-teaching staff of the recognised Institutions under the Board;

(mmm) to make regulations determining

the qualification for, and the method of, recruitment of teachers in class I to class IV of the Senior Madrasah;

(n) to perform such other functions as may be assigned to it by the State Government.

(3) Subject to the provisions of sub-section (2). the Board shall have power to make regulations in respect of any matter for the proper exercise of its powers under this Act.

Provided that any decision or action taken or any order made by the Board in the discharge of its functions under this Act shall not be invalid merely on the ground that no regulation has been made under this sub-section.

(4) No regulation shall be valid unless it is approved by the State Government and the State Government may, in accordance with such approval, make such additions, alterations or modifications therein as it thinks fit:

Provided that before making any such addition, alteration or modification, the State Government shall give the Board an opportunity to express its views thereon within such period, not exceeding one month, as may be specified by the State Government.

(5) All regulations approved by the State Government shall be published in the *Official Gazette*.”

5. The West Bengal Minorities’ Commission Act, 1996 was enacted to constitute a Minorities Commission to study and suggest additional social, economic, educational and cultural requirements of religious and linguistic minorities of West Bengal with a view to equipping them to preserve secular traditions of West Bengal and to promote national

integration. Section 3 deals with Constitution of the West Bengal Minorities' Commission and sub Sections (1) and (3) of Section 4 are as under:-

“4. Functions of the Commission.– (1) The Commission shall perform the following functions:-

(a) evaluate the progress of the development of minorities of West Bengal and review implementation of the policies and. programme of the State Government;

(b) monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament or the State Legislature;

(c) make recommendations for the effective enforcement and implementation of safeguards for the protection of the interests of minorities provided by the Central Government or the State Government;

(d) look into specific complaints regarding deprivation of social, economic, educational, cultural and linguistic rights and safeguards of the minorities and take up such matters with the-appropriate authorities;

(e) recommend to the State Government to accord minority status to religious, linguistic and ethnic groups, provided such groups do not enjoy any constitutional or statutory benefits or status;

(f) cause studies to be undertaken into problems arising out of any discrimination against minorities and recommend measures for their removal;

(g) conduct studies, research and analysis on the issues relating to socio-economic and educational development of minorities;

(h) make annual report to the State Government on any matter pertaining to any of the functions of the Commission under this section.

... ..

(3) The advice of the Commission and, especially, the findings of the Commission concerning deprivation of any right of the minority or any infringement of any well-being of the minority by omission or commission, shall ordinarily be binding upon the State Government.”

6. The West Bengal School Service Commission Act, 1997 (“1997 Act”, for short) was enacted to provide for the constitution of Regional School Service Commissions and a Central School Service Commission in the State and for matters connected therewith or incidental thereto. The definitions of “School” and “Teacher” in Section 2(n) and (p) are as under:-

“(n) “school” means a recognized non-Government aided –

(i) secondary school, or educational institution, or part or department of such school or institution, imparting instruction in a secondary education or

(ii) higher Secondary school, or educational institution (other than a college), or part or department of such school or institution, imparting instruction in higher secondary education, or

and includes a sponsored school.

Explanation I –“Recognized” with its grammatical variations, used with reference to a school, shall mean

—

(a) recognized or deemed to have been recognized under the West Bengal Board of Secondary Education Act, 1963 or

(b) recognized under the West Bengal Council of Higher Secondary Education Act, 1975,

Explanation II – “Aided” with its grammatical variations, used with reference to a school, shall mean aided by the State Government in the shape of financial assistance towards the basic pay of the teachers of that school.

Explanation III – “Basic pay” shall mean the monthly pay of a teacher of a school which corresponds to a stage in the time-scale of pay of the post, held by the teacher in that school.

Explanation IV – “Secondary Education” shall have the same meaning as in clause (1) of section 2 of the West Bengal Board of Secondary Education Act, 1963.

Explanation V – “Higher Secondary Education” shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975.

Explanation VI – “Sponsored School” shall mean a school declared as a sponsored school by the State Government by notification.

(p) “Teacher” means an Assistant Teacher or any other person, holding a teaching post of a school and recognized as such by the Board or the Council or the Board of Madrasah, as the case may be, and includes the Headmaster or the Headmistress ²(but shall not include the Assistant Headmaster or the Assistant Headmistress or the Teacher holding a post against short-term vacancy caused by deputation, leave or lien).”

2 The words within brackets were inserted by the West Bengal School Service Commission (Second Amendment) Act, 2001.

6.1 Section 3 deals with constitution of the Commission and Regional Commissions. Section 4(4) dealing with composition of Chairman is as under:

“(4) (a) The office of the Chairman shall be whole-time; the other members shall be honorary.
(b) The Chairman and other members shall hold office for a term of four years ³[but in the case of *ex officio* member such term shall be one year]:
(c) Subject to the foregoing provisions of this subsection, the other terms and conditions of service of the Chairman and other members shall be such as may be prescribed.”

6.2 Sections 7 and 9 are as under:-

“7. Functions of Regional Commission. – Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Regional Commission to recommend persons for appointment to the posts of Teachers or non-teaching staff in school within its territorial jurisdiction under he supervision and control of the Central Commission on the basis of the result of the State Level Selection Test conducted by the Central Commission.

9. Effect of recommendation of Commission – (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, appointments to the posts of Teachers and non-teaching staff in school shall be made by the Board or the *ad-hoc* committee or the administrator of the Board on the recommendation of the Regional Commission having jurisdiction.

(2) Any appointment of a Teacher or a non-teaching staff made on or after the commencement of this Act

³ Words ins. By W.B. Act 5 of 2001.

in contravention of the provisions of this Act shall be invalid and shall have no effect and the Teacher or the non-teaching staff so appointed shall not be a Teacher or a non-teaching staff within the meaning of clause (p) or clause (ia) of section 2, as the case may be.”

6.3 Sub-sections (a) and (b) of Section 15, however, stipulated as under:

“15. Act not to apply in relation to certain schools:-

The provisions of this Act shall not apply to-

(a) a school established and administered by a minority, whether based on religion or language, or

(b) a school under any trust, established and administered by a minority, whether based on religion or language, or ”

7. By notification issued on 12.10.2007, Government of West Bengal, Minorities Development and Welfare and Madrasah Education Department declared and granted to all recognised and aided Madrasahs under the control of the Government the status of “Minority Educational Institutions”. The text of the Notification was as under:-

“Government of West Bengal

Minorities Development & Welfare & Madrasah

Education Department

Writers’ Buildings, Kolkata – 700001

No.1465-MD/07

Dated: 12.10.07

NOTIFICATION

WHEREAS Muslim recognised as Minority Community in the State of West Bengal and minorities have the right under Article 30 of the Constitution of India to establish and administer educational institution of their choice;

AND WHEREAS the State Government is competent to declare a particular institution as a minority institution and till such time the government issue an order declaring that it is a minority institution they can not operate as Minority Institutions;

AND WHEREAS the Supreme Court has held that the Government are the Competent Authority to verify and determine the minority status of an Educational Institution for the purpose of Article 30(1) of the Constitution of India;

AND WEHREAS the Govt. recognised Madrasahs including Hooghly Govt. Madrasah and the Calcutta Madrasah were originally established by the Muslim minority and continuously administered by the members of that minority to subserve and promote the interests of the minority community concerned;

AND WEHREAS the abovesaid Madrasahs were, in course of times, recognised alongwith liabilities by the Government for promoting educational interests of the Muslim minority and on verification it has been ascertained that more than 90% students are pursuing their studies in these institutions and these Madrasahs are functioning under supervision of the W.B. Madrasah Board constituted with member representatives of the Minority Community concerned.

AND WHEREAS the State Govt. having been satisfied about the above antecedents of all the recognised Madrasahs which are aided and guided by the Government prescribed guidelines relating to admissions, selections etc. and about their continuing

and sustained functioning for promoting the interests of the concerned minority have become satisfied that these institutions are fit to enjoy minority status of an Educational Institution for the purpose of Article 30(1) of the Constitution of India.

AND WHEREAS the Govt. in the State of West Bengal have also considered expedients to declare these recognized and aided Madrasahs and those which will be so recognised and aided as such in future as Minority Educational Institution.

NOW, THEREFORE, in accordance with the above considerations and in pursuance of the Article 30 of the Constitution of India the Government is pleased, hereby, to declare that all the recognised and aided Madrasahs under control of this Government and those Madrasahs which will be recognised on similar lines in future, as Minority Educational Institutions. These institutions will also be allowed, in consequence to have the following effects as agreed upon by the State Government.

- i) They will continue to get financial assistance as before from the State Government
- ii) Reservation policy for employment etc. shall not apply in case of appointment of teachers and non-teaching staff in these Madrasahs.
- iii) Selection of teachers may continue to be done by West Bengal School Service Commission through separate panel.

By order of the Governor

(Pawan Agawal)
Secretary to the Govt. of West Bengal”

8. Consequent to the aforesaid notification dated 12.10.2007 conferring status of “Minority Educational Institutions” on all recognised and Government aided Madrasahs, another notification was issued on

28.12.2007 by the Government of West Bengal, Minorities' Development & Welfare and Madrasah Education Department stating that after being conferred such status "the matter of selection of teachers for recognised and aided Madrasahs of this State has gone out of the purview of the existing West Bengal School Service Commission Act, 1997".

9. The Commission Act was thereafter enacted to provide for the constitution of Madrasah Service Commission in the State and for matters connected therewith or incidental thereto. Statement of Objects and Reasons in relation to the Commission Act was as under:-

"With the declaration of recognised madrasahs as minority educational institutions by the State Government recently, the West Bengal School Service Commission cannot recommend panel of teachers for recognised madrasahs as per provisions of Section 15 of the West Bengal School Service Commission Act, 1997 (West Bengal Act IV of 1997). Therefore, a need has arisen for setting up of a separate body for recommending panel of teachers for appointment in Recognised Non-Government Aided Madrasahs. In view of this, it has been decided to set up the West Begal Madrasah Service Commission.

2. The proposed Commission would ensure the preparation of panel of teachers by recruitment in free, fair and transparent manner with a quality education for madrasahs.

3. The said Commission would also take into consideration the special requirement of teachers in the madrasahs system in the State.

4. The Bill has been framed with the above objects in view.”

9.1 The expressions “Madrasah”, “Teacher” and “vacant post” are defined in Section 2(k), (s) and (t) respectively under the Commission Act as under:-

“(k) “Madrasah” means a Recognised Non-Government Aided Senior Madrasah, Junior High Madrasah, High Madrasah or Higher Secondary Madrasah imparting instruction in-

(i) High Madrasah Education System within the meaning of sub-clause (i)

(ii) Senior Madrasah Education System within the meaning of sub-clause(ii), of clause (g) of Section 2 of the West Bengal Board of Madrasah Education Act, 1994; or

(iii) Higher Secondary Education;
Explanation1. – “recognised” with its grammatical variations, used with reference to a Madrasah, shall mean-

(a) Recognized or deemed to have been reconized under the West Bengal Board of Madrasah Education Act, 1994, or

(b) Recognized under the West Bengal Council of Higher Secondary Education Act, 1975

Explanation II. – “Aided” with its grammatical variations, used with reference to a Madrasah, shall mean aided by the State Government in the shape of financial assistance towards basic pay of the teachers of Madrasah.

Explanation III. – “basic pay” shall mean the monthly pay of a teacher of a Madrasah which corresponds to

a stage in the timescale of pay of the post held by the teacher in that madrasah,

Explanation IV.- “Madrasah Education” shall have the same meaning as in clause (g) of section 2 of the West Bengal Board of Madrasah Education Act, 1994;

Explanation V.- “Higher Secondary Education” shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975.

(s) “Teacher” means an Assistant Teacher, or any other person holding a teaching post of a madrasah recognised as such by the Board or the Council, as the case may be, and shall include the headmaster, the Headmistress or the Superintendent.

(t) “vacant post” means a vacancy, caused by—

- (i) creation of new post by the State Government, or
- (ii) retirement, death, resignation, removal or dismissal of any person from the post of teacher, the post having been sanctioned by the Competent authority or the State Government,

but shall not include a short-term vacancy due to deputation, leave or lien and that of a part time post or the post of Assistant Headmaster or Assistant Headmistress.”

9.2 Section 4 deals with composition of the Commission and is to the following effect:-

“4. (i) The Commission shall consist of one Chairman and four members.

(ii) The Chairman shall be an eminent educationist having profound knowledge in Islamic Culture and well-versed in education and teaching experience, either as a teacher of a university, or as a Principal of

a college, for a period of not less than twelve years, or as a teacher, other than Principal of a college, for a period of not less than fifteen years, or an officer of the State Government not below the rank of Joint Secretary.

(iii) Of the four members under sub-section (1), one shall be a person who, not being an educationist, occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in Legal or Administrative service, one shall be an eminent educationist having profound knowledge in Islamic Theology and Culture, and the others shall have teaching experience, either as a teacher of a university, or as a Principal of a college, for a period of not less than ten years, or as a teacher, other than Principal of a college, or as a Headmaster or Headmistress or Superintendent of a Madrasah, for a period of not less than fifteen years.”

9.3 Sections 8, 10, 11, 12, 13 and 18 of the Commission Act are as under:-

“8. Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Commission to select and recommend persons to be appointed to the vacant posts of teachers in accordance with the provisions of this Act and the rules made thereunder.

...

10. Notwithstanding anything contained in any other law for the time being in force or any contract, custom or usage to the contrary, the Managing Committee, the ad hoc Committee or the Administrator, as the case may be, shall be bound to appoint the candidate recommended by the Commission to the post of teacher in the Madrasah concerned as per vacancy report.

Provided that in the absence of the Managing Committee, ad hoc Committee or the Administrator,

the Head Master or the Headmistress or the Teacher-In-charge is empowered to issue appointment letter to the candidate recommended by the Commission. Such matter should be ratified at the next available meeting of the Managing Committee, ad hoc Committee or by the Administrator, as the case may be:

Provided further that the Managing Committee, ad hoc Committee, the Administrator or the Headmaster or the Headmistress or the Teacher-in-charge as the case may be, shall, if any error is detected in the recommendation, immediately bring it to the notice of the Commission for removal of such error.

11. Any appointment of a teacher made on or after the commencement of this Act in contravention of the provision of this Act shall be invalid and shall have no effect and teacher so appointed shall not be a teacher within the meaning of clause (s) of Section 2.

12. (i) If the Managing Committee, the ad hoc Committee or the Administrator of a Madrasah, as the case may be, refuses, fails or delays to issue appointment letter to the candidate recommended by the Commission within the period stipulated in the letter of recommendation by the Commission, without any reasonable ground, the State Government may direct the Board to dissolve the Managing Committee or the ad hoc Committee, or discharge the Administrator, as the case may be, or stop all financial assistance to such Madrasah recording reasons thereof and may also issue direction upon the Board or Council, as the case be, to withdraw recognition or affiliation of such Madrasah.

(ii) In case of failure to issue appointment letter to the candidate recommended by the Commission is on the part of the Superintendent, the Headmaster, the Headmistress or the Teacher-in-charge of a Madrasah, he shall be subject to such disciplinary proceedings as may be prescribed.

13. Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of teachers in the employment of a Madrasah immediately before the commencement of this Act, shall not be varied to the disadvantage of such teachers in so far as such terms and conditions relate to the appointment of such teachers to the posts held by them immediately before the commencement of this Act.

... ..

18. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:-

- (a) the terms and conditions of service of the Chairman and other members under section 5;
- (b) the manner in which an inquiry is to be made for removal of the Chairman or any member under section 6;
- (c) the terms and conditions of service of the Secretary under section 7;
- (d) the manner and scope of selection of persons for appointment to the posts of teachers under section 9;
- (e) any other matter which may be, or is required to be, prescribed.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.”

10. The West Bengal Madrasah Service Commission (Amendment) Act, 2010 made certain amendments in the Commission Act. Section 2 of the Amendment Act is to the following effect:-

“2. In section 8 of the West Bengal Madrasah Service Commission Act, 2008 (hereinafter referred to as the principal Act), after the words “or the Non-teaching staff’, the words “and also to recommend the transfer including mutual transfer of the teachers of the Non-teaching staff’ shall be inserted.”

-

11. In exercise of power conferred by the provisions of the Commission Act, the West Bengal Madrasah Service Commission Recruitment (selection and recommendation of persons for appointment and transfer to the posts of teaching and non-teaching staff) Rules, 2010 (“2010 Rules”, for short) were promulgated. Chapter-III of 2010 Rules deals with subject “Scope, Method and Manner of Selection” and Rule 8 is to the following effect:-

“8. Manner of selection –

(1) Selection to any post shall be made on the basis of results of the State/Region/Area Level Selection Test, as may be decided by the Commission, which may comprise any, some or all of the following (as the case may be) –

- a) Written Examination
- b) Evaluation of Qualification
- c) Personality Test
- d) Aptitude Test

of the candidates, as the case may be, in the manner as specified in Schedule III

(2) The Commission may, in its discretion, fix the minimum qualifying marks to be scored/obtained by the candidates in written examination or in aggregate or in both and relax the qualifying marks on reasonable ground(s) to be recorded in writing”

RIVAL SUBMISSIONS:

12. In accordance with the provisions of the Commission Act and 2010 Rules, the Madrasah Service Commission kept making recommendations against vacant posts which had arisen from time to time. Various candidates were appointed as teachers. However, a challenge was raised by the Respondent No.1 by filing Writ Petition No.20650(W) of 2013 as stated hereinabove. It was submitted that in terms of Section 10 of the Commission Act, the Managing Committee or the Administrator would be bound to appoint the candidates recommended by the Madrasah Service Commission and the consequence of not following such recommendation would visit penalty as provided for in Section 12; and that if the Writ Petitioner, as a minority institution, was entitled to administer institution of its choice, it would have a corresponding right to select teachers on its own and that any deprivation of such right would be violative of the Right conferred by Article 30 of the Constitution.

On the other hand, it was submitted on behalf of the State that under the provisions of the Commission Act, the Commission would merely select and recommend teachers and non-teaching staff of

Madrasahs but the appointment would be given by the concerned institution and the overall control of the Managing Committees of the concerned institutes in respect of such staff was not taken away by the Respondents and the day-to-day administration of the Madrasahs was not interfered with. It was further submitted that the number of Madrasahs in the State was 614 and the Madrasahs imparted education in accordance with the syllabus prescribed by the competent authority in respect of all subjects, except Arabic and Urdu; that most of the Madrasahs were located in the remote areas of the State and the student population taking education in these Madrasahs was about 5,00,000. The submission was that the State was rendering necessary aid and help to the Managing Committees in finding good quality teachers as per qualifications prescribed by the National Council for Teacher Education for imparting quality education to the students and the whole purpose behind the legislation was to provide the students with good quality teaching. The submission was paraphrased by the Single Judge as under:-

“For the respondents there are primarily two grounds justifying the relevant provisions of such a legislation. First, the concerned Madrasah is fully aided for its financial requirements which is fulfilled by the State Government. Therefore, it is bound to follow recruitment procedures for fair and comparative selection of teachers. Secondly, in terms of the provisions of the impugned Act the Commission merely selects and recommends a teacher but overall control of such staff lies with the Managing

Committee where the government does not interfere. Thus the role of the Commission is that of a mere recommendatory body appointed by the government.”

DECISIONS OF THE HIGH COURT IN THE PRESENT APPEALS

13. Relying on the decisions of this Court in *State of Kerala, etc vs. Very Rev. Mother Provincial, etc*⁴ and *Ahmedabad St. Xavier’s College Society and Another vs. State of Gujarat and Another*⁵ the Single Judge observed:-

“The Supreme Court has also held that the right to administer an institution is primarily to consist of four principal aspects. First, the right to chose its managing or governing body. It is said that the founders of the minority institution have faith and confidence in their committee or body consisting of persons selected by them. Secondly, the right to choose its teachers having compatibility with their ideals, aims and aspirations. Third is the right not to be compelled to refuse admission to the students. Fourthly, the right to use its properties and assets for the benefit of its institution. This judgment thus unambiguously recognizes that the right to select its teachers is a part of the right to administer an institution which Article 30 has conferred on it. The reasons for that has also been very clearly explained in the judgment”

4 (1970) 2 SCC 417

5 (1974) 1 SCC 717

13.1 The Single Judge relied upon the decisions of this Court in ***Secretary, Malankara Syrian Catholic vs. T. Jose and others***⁶ and ***Sindhi Education Society and another vs. Chief Secretary, Government of NCT of Delhi and others***⁷ and posed following question:-

“That regulatory measures are permissible to a limited extent has been judicially accepted. But does the provision impugned in this legislation qualify for being passed as a regulatory measure? In view of the well defined parameters of the regulatory measures can it be said that taking away the right of selection of teachers from the jurisdiction of the petitioners is also an act to regulate the affairs of the Madrasah and not to interfere with its administration? Answers to these queries are essentially related to a resolution of the present dispute.”

13.2 Further, after referring to the decision in ***Ahmedabad St. Xavier’s College***⁵ the Single Judge observed:-

“... ..The State can prescribe regulations to ensure the excellence of the institution. Prescription of standards for educational institutions does not militate against the right of the minority to administer the institutions. Regulations made in the true interest of efficiency of instructions, discipline, health, sanitation, morality, public order and the like may undoubtedly be imposed. It has been specifically laid down that such regulations are not restrictions on the subsistence of the right which is guaranteed. On the other hand, they secure the proper functioning of the institution in matters of education. The minority institutions cannot be allowed to fall below the standards of excellence expected of an educational

6 (2007) 1 SCC 386

7 (2010) 8 SCC 49

institution or under the guise of exclusive right of management to decline to follow the general patern.”

13.3. The Single Judge then concluded:-

“Thus, I find that the impugned provisions of the Act tend to take away the protected right conferred upon the minorities to administer institutions according to their choice. The right of the Commission to select and recommend teachers for these institutions in a very major way interferes with the right to administer those institutions rendering a constitutional mandate virtually ineffective. The perception of a prevailing social reality cannot circuitously circumvent a constitutional protection.

The impugned provisions of the Act are thus not only not in consonance with the protection guaranteed by the Constitution but are definitely in derogation thereof. Section 8 of the Act cannot be read in isolation. Read with the subsequent provisions there is an element of compulsion in the effect of the recommendation made by the Commission which is really against the freedom guaranteed in Article 30 of the Constitution of India. Section 8 of the said Act is hereby declared ultra vires the Constitution. In view of what has been discussed before the prayer of the petitioner is moulded and Sections 10, 11 and 12 of the act are also declared ultra vires the Constitution.”

14. The challenge raised by the Commission, by the State as well as by the teachers who were recommended under the provisions of the Commission Act was rejected by the Division Bench of the High Court, while accepting the view taken by the Single Judge. The Division Bench observed:-

“The present enactment is sought to be defended by the State on the ground of funding the institutions and opinion that it is only recommendatory process and not interference with the overall administration of the

institutions. We are afraid whatever by the nature of recommendations it would definitely touch upon the administrative authority or control to be exercised by the minority institutions while administering their institutions in every aspect and respect since institutions would not have the option to choose individuals beyond the recommendations so made. Hence, the scheme of the Act instead of being regulatory, prohibits the freedom of minority institutions in selecting its own personnel. It is one thing to regulate the process of appointment by providing guidelines etc. it is however entirely different to clog the right of choice of the minority institution by prohibiting them to choose any candidate otherwise eligible except from those recommended by the Commission. Since appointment of teachers etc. is very relevant so far as the quality of education is concerned, if there are any mala fides statutory infirmities brought to the notice of the State Government as it is completely funded by the State Government, it is open to the State Government to withdraw financial support if mala fides/illegalities are found in such process of selection of teaching staff etc. Such right is always with the State Government irrespective of minority institutions or other institutions.

So far as the present enactment is concerned, we cannot deviate from the opinion of the learned Single Judge that such act is nothing but violation of the Fundamental Rights guaranteed by the Constitution in terms of Article 29 and 30 of the Constitution of India. Therefore, we decline to interfere with the opinion expressed by the learned Single Judge and accordingly appeals deserve to be dismissed.

We have also heard the submissions made by the learned Counsel who are appearing for some of the teachers who are already appointed and are in service for the last five years or waiting for the appointment of teachers as empanelled in the list.

Since the Act of 2008, according to us is nothing but violation of the Fundamental Rights guaranteed

by the Constitution to the minority institutions, it is exclusively left to the concerned Madrasahs either to accept contention of such teachers, who are already in service and permit them to continue in service and/or to provide appointment to the candidates who are empanelled by the Commission awaiting such appointment.

With these observations, the appeals are disposed of along with the connection applications.”

15. We heard Mr. Mohan Parasaran, Mr. Kalyan Banerjee, Mr. Huzefa Ahmadi, Mr. Jayant Bhushan, Mr. Jaideep Gupta, Mr. Salman Khursheed and Mr. P.S. Patwalia, learned Senior Advocates appearing for various parties and other learned Advocates who took us through the relevant decisions holding the field and also invited our attention to various statutory provisions. Since the submissions, to a certain extent, were overlapping, we are not dealing with the submissions advanced by the learned Counsel individually.

16. The basic issues which arise for consideration are whether the provisions, namely, Sections 8, 10, 11 and 12 of the Commission Act are ultra vires as held by the High Court and whether these provisions transgress the right of minority institutions guaranteed under the Constitution of India. Before we deal with the basic issues raised in these appeals, the various decisions touching upon the extent of rights of minority institutions as guaranteed by the Constitution, need to be adverted

to. Since the decision of this Court in ***TMA Pai Foundation and others vs. State of Karnataka and others***⁸ was rendered by a Bench of Eleven Judges, we have divided the discussion under three headings covering relevant decisions:-

- A) Decisions upto TMA Pai Foundation;
- B) Decision in TMA Pai Foundation; and
- C) Decisions after TMA Pai Foundation.

A) **Decisions upto TMA Pai Foundation**

17. In ***Re: The Kerala Education Bill, 1957***⁹, a seven Judge Bench of this Court dealt with a reference made by the President of India under Article 143(1) of the Constitution in respect of the Kerala Education Bill, 1957. Some of the salient features of the Bill were paraphrased in the majority opinion delivered by S.R. Das, C.J. and insofar as the present case is concerned, the relevant discussion was:-

“Clause 9 makes it obligatory on the Government to pay the salary of all teachers in aided schools direct or through the headmaster of the school and also to pay the salary of the non-teaching staff of the aided schools. It gives power to the Government to prescribe the number of persons to be appointed in the non-teaching establishment of aided schools, their salaries, qualifications and other conditions of service. The Government is authorised, under sub-clause (3), to pay to the manager a maintenance grant at such

8 (2002) 8 SCC 481

9 (1959) SCR 995

rates as may be prescribed and under sub-clause (4) to make grants-in-aid for the purchase, improvement and repairs of any land, building or equipment of an aided school. Clause 10 requires Government to prescribe the qualifications to be possessed by persons for appointment as teachers in Government schools and in private schools which, by the definition, means aided or recognised schools. The State Public Service Commission is empowered to select candidates for appointment as teachers in Government and aided schools according to the procedure laid down in clause 11. Shortly put, the procedure is that before the 31st May of each year the Public Service Commission shall select for each district separately candidates with due regard to the probable number of vacancies of teachers that may arise in the course of the year, that the list of candidates so selected shall be published in the Gazette and that the manager shall appoint teachers of aided schools only from the candidates so selected for the district in which the school is located subject to the proviso that the manager may, for sufficient reason, with the permission of the Commission, appoint teachers selected for any other district. Appointment of teachers in Government schools are also to be made from the list of candidates so published. In selecting candidates the Commission is to have regard to the provisions made by the Government under clause (4) of Art. 16 of the Constitution, that is to say, give representation in the educational service to persons belonging to the Scheduled Castes or Tribes—a provision which has been severely criticised by learned counsel appearing for the Anglo-Indian and Muslim communities.”

(Emphasis supplied)

17. 1 The grievance as raised was set out as under:-

“Their grievances are thus stated : The gist of the right of administration of a school is the power of appointment, control and dismissal of teachers and other staff. But under the said Bill such power of

management is practically taken away. Thus the manager must submit annual statements (cl. 5). The fixed assets of the aided schools are frozen and cannot be dealt with except with the permission of the authorised officer (cl. 6). No educational agency of an aided school can appoint a manager of its choice and the manager is completely under the control of the authorised officer, for he must keep accounts in the manner he is told to do and give periodical inspection of them, and on the closure of the school the accounts must be made over to the authorised officer (cl. 7). All fees etc. collected will have to be made over to the Government (cl. 8(3)). Government will take up the task of paying the teachers and the non-teaching staff (clause 9). Government will prescribe the qualification of teachers (clause 10). The school authorities cannot appoint a single teacher of their choice, but must appoint persons out of the panel settled by the Public Service Commission (clause 11). The school authorities must provide amenities to teachers and cannot dismiss, remove, reduce or even suspend a teacher without the previous sanction of the authorised officer (clause 12).

(Emphasis supplied)

17. 2 The majority opinion observed:-

“We are thus faced with a problem of considerable complexity apparently difficult of solution. There is, on the one hand the minority rights under Art. 30(1) to establish and administer educational institutions of their choice and the duty of the Government to promote education, there is, on the other side the obligation of the State under Art. 45 to endeavour to introduce free and compulsory education. We have to reconcile between these two conflicting interests and to give effect to both if that is possible and bring about a synthesis between the two. The directive principles cannot ignore or override the fundamental rights but must, as we have said, subserve the fundamental rights. We have already observed that Art. 30(1) gives two rights to the minorities, (1) to establish and (2) to administer, educational

institutions of their choice. The right to administer cannot obviously include the right to mal-administer. The minority cannot surely ask for aid or recognition for an educational institution run by them in unhealthy surroundings, without any competent teachers, possessing any semblance of qualification, and which does not maintain even a fair standard of teaching or which teaches matters subversive of the welfare of the scholars. It stands to reason, then, that the constitutional right to administer an educational institution of their choice does not necessarily militate against the claim of the State to insist that in order to grant aid the State may prescribe reasonable regulations to ensure the excellence of the institutions to be aided. Learned Attorney-General concedes that reasonable regulations may certainly be imposed by the State as a condition for aid or even for recognition....”

“.....Clauses 6, 7, 9, 10, 11, 12, 14, 15 and 20 relate to the management of aided schools. Some of these provisions, e.g., 7, 10, 11(1), 12(1)(2)(3) and (5) may easily be regarded as reasonable regulations or conditions for the grant of aid. Clauses 9, 11(2) and 12(4) are, however, objected to as going much beyond the permissible limit. It is said that by taking over the collections of fees, etc., and by undertaking to pay the salaries of the teachers and other staff the Government is in reality confiscating the school fund and taking away the prestige of the school, for none will care for the school authority. Likewise clause 11 takes away an obvious item of management, for the manager cannot appoint any teacher at all except out of the panel to be prepared by the Public Service Commission, which, apart from the question of its power of taking up such duties, may not be qualified at all to select teachers who will be acceptable to religious denominations and in particular sub-clause (2) of that clause is objectionable for it thrusts upon educational institutions of religious minorities teachers of Scheduled Castes who may have no knowledge of the tenets of their religion and may be otherwise weak educationally. Power of dismissal, removal, reduction in rank or suspension is an index

of the right of management and that is taken away by clause 12(4). These are, no doubt, serious inroads on the right of administration and appear perilously near violating that right. But considering that those provisions are applicable to all educational institutions and that the impugned parts of cls. 9, 11 and 12 are designed to give protection and security to the ill paid teachers who are engaged in rendering service to the nation and protect the backward classes, we are prepared, as at present advised, to treat these clauses 9, 11(2) and 12(4) as permissible regulations which the State may impose on the minorities as a condition for granting aid to their educational institutions. We, however, find it impossible to support cls. 14 and 15 of the said Bill as mere regulations. The provisions of those clauses may be totally destructive of the rights under Art. 30(1). It is true that the right to aid is not implicit in Art. 30(1) but the provisions of those clauses, if submitted to on account of their factual compulsion as condition of aid, may easily be violative of Art. 30(1) of the Constitution. Learned counsel for the State of Kerala recognizes that cls. 14 and 15 of the Bill may annihilate the minority communities' right to manage educational institutions of their choice but submits that the validity of those clauses is not the subject-matter of question 2. But, as already explained, all newly established schools seeking aid or recognition are, by clause 3(5), made subject to all the provisions of the Act. Therefore, in a discussion as to the constitution validity of clause 3(5) a discussion of the validity of the other clauses of the Bill becomes relevant, not as and by way of a separate item but in determining the validity of the provisions of clause 3(5). In our opinion, sub-clause 3 of clause 8 and cls. 9, 10, 11, 12 and 13 being merely regulatory do not offend Art. 30(1), but the provisions of sub-clause (5) of clause 3 by making the aided educational institutions subject to cls. 14 and 15 as conditions for the grant of aid do offend against Art. 30(1) of the Constitution.”

(Emphasis supplied)

18. In ***Rev. Sidhajibhai Sabhai and Others v. State of Bombay and Another***¹⁰, a Bench of six Judges of this Court was called upon to decide following controversy:-

“The petitioners moved this Court for a writ in the nature of *mandamus* or other writ directing the State of Bombay and the Director of Education not to compel the society and the petitioners to reserve 80% or any seats in the training, College for “the Government nominated teacher” nor to compel the society and the petitioners to comply with the provisions of Rules 5(2), 11, 12 and 14 and not to withdraw recognition of the College or withhold grant-in-aid under Rule 14 or otherwise.”

18.1 The petitioners, members of a religious denomination and constituting a religious minority were running a Training College for teachers and 80% of the seats in all non-Government Training Colleges were directed to be reserved for “the government nominated teachers” so that such trained teachers could then be absorbed in Primary and Basic Schools in the State run by District School or Municipal Boards.

18.2 It was submitted on behalf of the State that since the School run by the Petitioners was receiving grant from the State, the State was within its rights to direct reservation of seats as above. After referring to the decision of this Court in ***Re: The Kerala Education Bill case***⁹, it was observed by this Court as under:-

¹⁰ (1963) 3 SCR 837

“Article 30(1) provides that all minorities have the right to establish and administer educational institutions of their choice, and Art. 30(2) enjoins the State, in granting aid to educational institutions not to discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language. Clause (2) is only a phase of the non-discrimination clause of the Constitution and does not derogate from the provisions made in clause (1). The clause is moulded in terms negative : the State is thereby enjoined not to discriminate in granting aid to educational institutions on the ground that the management of the institution is in the hands of a minority, religious or linguistic, but the form is not susceptible of the inference that the State is competent otherwise to discriminate so as to impose restrictions upon the substance of the right to establish and administer educational institutions by minorities, religious or linguistic. Unlike Art. 19, the fundamental freedom under clause (1) of Art. 30, is absolute in terms; it is not made subject to any reasonable restrictions of the nature the fundamental freedoms enunciated in Art. 19 may be subjected to. All minorities, linguistic or religious have by Art. 30(1) an absolute right to establish and administer educational institutions of their choice; and any law or executive direction which seeks to infringe the substance of that right under Art. 30(1) would to that extent be void. This, however, is not to say that it is not open to the State to impose regulations upon the exercise of this right. The fundamental freedom is to establish and to administer educational institutions : it is a right to establish and administer what are in truth educational institutions, institutions which cater to the educational needs of the citizens, or sections thereof. Regulation made in the true interests of efficiency of instruction, discipline, health, sanitation, morality, public order and the like may undoubtedly be imposed. Such regulations are not restrictions on the substance of the right which is guaranteed : they secure the proper functioning of the institution, in matters educational.

(Emphasis supplied)

18.3 The effect of the opinion in *Re: The Kerala Education Bill*⁹ was considered as under:-

It was therefore held that notwithstanding the absolute terms in which the fundamental freedom under Art. 30(1) was guaranteed, it was open to the state by legislation or by executive direction to impose reasonable regulation. The Court did not, however, lay down any test of reasonableness of the regulation. The Court did not decide that public or national interest was the sole measure or test of reasonableness : it also did not decide that a regulation would be deemed unreasonable only if it was totally destructive of the right of the minority to administer educational institution. No general principle on which reasonableness or otherwise of a regulation may be tested was sought to be laid down by the Court. The Kerala Education Bill case⁹, therefore, is not an authority for the proposition submitted by the Additional Solicitor General that all regulative measures which are not destructive or annihilative of the character of the institution established by the minority, provided the regulations are in the national or public interest, are valid."

The right established by Art. 30(1) is a fundamental right declared in terms absolute. Unlike the fundamental freedoms guaranteed by Art. 19, it is not subject to reasonable restrictions. It is intended to be a real right for the protection of the minorities in the matter of setting up of educational institutions of their own choice. The right is intended to be effective and is not to be whittled down by so called regulative measures conceived in the interest not of the minority educational institution, but of the public or the nation as a whole. If every order which while maintaining the formal character of a minority institution destroys the power of administration is held justifiable because it is in the public or national interest, though not in its interest as an educational institution, the right guaranteed by Art. 30(1) will be but a "teasing

illusion", a promise of unreality. Regulations which may lawfully be imposed either by legislative or executive action as a condition of receiving grant or of recognition must be directed to making the institution while retaining its character as a minority institution effective as an educational institution. Such regulation must satisfy a dual test - the test of reasonableness, and the test that it is regulative of the educational character of the institution and is conducive to making the institution an effective vehicle of education for the minority community or other persons who resort to it."

(Emphasis supplied)

18.4 Finally, it was held,

"We are, therefore, of the view that the Rule 5(2) of the Rules for Primary Training Colleges, and Rules 11 and 14 for recognition of Private Training institutions, insofar as they relate to reservation of seats therein under orders of Government, and directions given pursuant thereto regarding reservation of 80% of the seats and the threat to withhold grant-in-aid and recognition of the college, infringe the fundamental freedom guaranteed to the petitioners under Art. 30(1)."

19. In *Rev. Father W. Proost and Others. vs. the State of Bihar and Others*¹¹, a Bench of five Judges of this Court was called upon to consider the validity of certain provisions including Section 48-A of the Bihar State Universities Act, 1960. In terms of said Section 48-A, no appointments, dismissals, removals and termination of service or reduction in rank of teachers could be made by the governing body of any college without the recommendations of the University Service Commission. By virtue of

¹¹AIR 1969 SC 465 = (1969) 2 SCR73

Section 48A(6), the Commission was empowered to recommend to the governing body of a college for appointment to every post of teacher, names of two persons arranged in order of preference which were considered by the Commission to be the best qualified for such posts. While the challenge was pending in this Court, Section 48-B was introduced which stated *inter alia* that notwithstanding anything contained in certain provisions including in sub-Section (6) of 48-A, the governing body of an affiliated College established by a minority would be entitled to make appointments, dismissals, removals, termination of service or reduction in rank of teachers or other disciplinary measures subject only to the approval of the Commission and the Syndicate of the University. Thus, instead of the Commission making the recommendations under the unamended provisions, now the governing body established by a minority could make appointments which were however subject to the approval by the Commission and the Syndicate of the University. While allowing the petition this Court observed :-

“The learned Attorney General seeks to read into the protection granted by Art. 30(1) a corollary taken from Art. 29(1). He concedes that the Jesuits community is a minority community based on religion and that, therefore, it has a right to establish and administer educational institutions of its choice. But he contends that as the protection to minorities in Art. 29(1) is only a right to conserve a distinct language, script or culture of its own, the college does not qualify for the protection of Art. 30(1) because it is

not founded to conserve them. The question, therefore, is whether the college can only claim protection of s. 48-B of the Act read with Art. 30(1) of the Constitution if it proves that the college is furthering the rights mentioned in Art. 29(1).

In our opinion, the width of Article 30(1) cannot be cut down by introducing in it considerations on which Article 29(1) is based. The latter article is a general protection which is given to minorities to conserve their language, script or culture. The former is a special right to minorities to establish educational institutions of their choice. This choice is not limited to institution seeking to conserve language, script or culture and the choice is not taken away if the minority community having established an educational institution of its choice also admits members of other communities. That is a circumstance irrelevant for the application of Article 30(1) since no such limitation is expressed and none can be implied. The two articles create two separate rights, although it is possible that they may meet in a given case.

... ..

In our judgment the language of Art. 30(1) is wide and must receive full meaning. We are dealing with protection of minorities and attempts to whittle down the protection cannot be allowed. We need not enlarge the protection but we may not reduce a protection naturally flowing from the words. Here the protection clearly flows from the words and there is nothing on the basis of which aid can be sought from Art. 29(1).”

20. In *State of Kerala, etc vs. Very Rev. Mother Provincial, etc*⁴, a Bench of six Judges of this Court considered challenge to certain

provisions of the Kerala University Act, 1969. The ambit of the concerned provisions was set out by this Court as under:-

“16. Section 53, Sub-sections (1), (2) and (3) confer on the Syndicate of the University the power to veto even the action of the governing body or the managing council in the selection of the principal. Similarly, Sub-section (4) takes away from the educational agency or the corporate management the right to select the teachers. The insistence on merit in Sub-section (4) or on seniority-cum-fitness in Sub-section (1) does not save the situation. The power is exercised not by the educational agency or the corporate management but by a distinct and autonomous body under the control of the Syndicate of the University. Indeed Sub-section (9) gives a right of appeal to the Syndicate to any person aggrieved by the action of governing body or the managing council thus making the Syndicate the final and absolute authority in these matters. Coupled with this is the power of Vice-Chancellor and the Syndicate in Sub-sections (2) and (4) of Section 56.”

20.1 Thereafter, this Court extracted the relevant provisions which took away the power to take disciplinary action from the governing body and the managing council and conferred it upon the University. The decision of the High Court which had found said provisions to be ultra vires was affirmed by this Court as under:-

“19. The result of the above analysis of the provisions which have been successfully challenged discloses that that High Court was right in its appreciation of the true position in the light of the Constitution. We agree with the High Court that Sub-Sections (2) and (4) of Sections 48 and 49 are ultra vires Article 30(1). Indeed we think that Sub-Sections (6) of these two

sections are also ultra vires. They offend more than the other two of which they are a part and parcel. We also agree that Sub-sections (1), (2), (3) and (9) of Section 53, Sub-Sections (2) and (4) of Section 56 are ultra vires as they fail with Sections 48 and 49. We express no opinion regarding these sub-sections vis-a-vis Article 30(1). We also agree that Section 58 (in so far as it removes disqualification which the founders may not like to agree to) and Section 63 are ultra vires Articles 30(1) in respect of the minority institutions. The High Court has held that the provisions (Except Section 63) are also offensive to Article 19(1)(f) in so far as the petitioners are citizens of India both in respect of majority as well as minority institutions. This was at first debated at least in so far as majority institutions were concerned. The majority institutions invoked Article 14 and complained of discrimination. However, at a later stage of proceedings Mr. Mohan Kumaramangalam stated that he had instructions to say that any provision held inapplicable to minority institutions would not be enforced against the majority institutions also. Hence it relieves us of the task of considering the matter under Article 19(1)(f) not only in respect of minority institutions but in respect of majority institutions also. The provisions of Section 63 affect both kinds of institutions alike and must be declared ultra vires in respect of both.”

21. In *D.A.V. College, etc.. vs. State of Punjab and Others*¹¹, a Bench of five Judges of this Court considered the challenge to certain provisions of the Guru Nanak University, Amritsar, Act, 1969 and notifications issued pursuant thereto. Under Section 2(1)(a) of the Act, a College applying for admission to the privileges of the University was obliged to have a regularly constituted governing body consisting of not more than 20 persons approved by the Senate which body must also include two

representatives of the University. Section 17 required that the staff initially appointed must be approved by the Vice Chancellor and any subsequent changes be reported to the University for Vice-Chancellor's approval. These Sections were struck down by this Court as affecting the fundamental rights of the petitioners. During the course of its discussion this Court stated as under:-

“36. We have already seen that in *Rev. Father W. Proost and Ors. v. the State of Bihar and Ors.*¹¹, the provisions of Section 48(A) which required the selection of the teachers of all affiliated Colleges including the Colleges established by the minorities, to be made by the University Service Commission, was held to interfere with the rights of the petitioners in that case. In that case, while the petition was pending in the Court, Section 48 (B) was added to the Bihar State University Act whereby notwithstanding the provisions of Section 48 (A) exemption was given to the minority institutions to make appointments with the approval of the Commission and the Syndicate, the petitioners claimed exemption under Section 48(B) and submitted that as an affiliated College established by a minority based on religion or language they are exempted from Section 48 (A) and that if this petition was accepted they will withdraw the petition which had become superfluous. Even this prayer was not acceded to by the State and consequently it was held that they were entitled to the exemption claimed. This decision is not therefore an authority for the proposition that even the requirement that the staff of a minority educational institution be appointed, dismissed or removed only with the approval of the University or the State does not infringe the right to administer the institution guaranteed under Article 30(1).

37. In our view there is no possible justification for the provisions contained in Clauses 2(1)(a) and 17 of

Chapter V of the statutes which decidedly interfere with the rights of management of the petitioners colleges. These provisions cannot therefore be made as conditions of affiliation, the non-compliance of which would involve disaffiliation and consequently they will have to be struck down as offending Article 30(1).

38. Clause 18 however in our view does not suffer from the same vice as Clause 17 because that provision in so far as it is applicable to the minority institutions empowers the University to prescribe by regulations governing the service and conduct of teachers which is enacted in the larger interests of the Institutions to ensure their efficiency and excellence. It may for instance issue an ordinance in respect of age of superannuation or prescribe minimum qualifications for teachers to be employed by such Institutions either generally or in particular subjects. Uniformity in the conditions of service and conduct of teachers in all non-Government Colleges would make for harmony and avoid frustration. Of course while the power to make ordinances in respect of the matters referred to is unexceptional the nature of the infringement of the right, if any, under Article 30(1) will depend on the actual purpose and import of the ordinance when made and the manner in which it is likely to affect the administration of the educational institution, about which it is not possible now to predicate.”

22. In *Ahmedabad St. Xavier’s College Society and Another vs. State of Gujarat and Another*⁵ the applicability of some of the provisions of the Gujarat University Act, 1949 to a college run by a minority was in issue before a Bench of nine Judges of this Court. Three sets of provisions were impeached as being violative of Article 30, viz. (i) *Sections 40 and 41* in terms of which all colleges within the University area would be governed

by the statutes of the University which may provide for minimum educational qualifications for teachers and tutorial staff and the University may approve the appointments of teachers and may coordinate and regulate the facilities provided and expenditure incurred by such colleges for teaching and research; **(ii)** *Sections 33A(1)(a) and 33A(1)(b)* under which the management of a governing body of every college must include amongst others, a representative of the University nominated by the Vice-Chancellor and three representatives of the teachers of the college and at least one representative each of the members of the non-teaching staff and the students of the college. Further, under Section 33A(1)(b), for the purposes of recruitment of the principal and members of the teaching staff, there would be a selection committee, which, in the case of recruitment of the principal, must include a representative of the University nominated by the Vice-Chancellor and in case of recruitment of a member of teaching staff, a representative of the University nominated by the Vice-Chancellor and the Head of the Department concerned with the subject taught by such teacher; **(iii)** *Sections 51A and 52A* in terms of which no member of teaching and non-teaching staff of any affiliated college could be dismissed or removed from service or reduced in rank, except after an inquiry; no termination of service of any such member would be valid unless such termination was approved by the Vice-Chancellor; and any dispute

between the governing body of the college and any member of the teaching or non-teaching staff must be referred to a Tribunal of Arbitration consisting of one member nominated by the governing body of the college, one member nominated by the concerned member and an Umpire to be nominated by the Vice-Chancellor.

22.1. In the leading Judgment authored by Ray, C.J., for himself and Palekar, J., the extent of “right to administer” under Article 30 of the Constitution and the effect of regulatory measures upon the width of said right was summed up as under:-

“19. ... The right to administer is said to consist of four principal matters. First is the right to choose its managing or governing body. It is said that the founders of the minority institution have faith and confidence in their own committee or body consisting of persons elected by them. Second is the right to choose its teachers. It is said that minority institutions want teachers to have compatibility with the ideals, aims and aspirations of the institution. Third is the right not to be compelled to refuse admission to students. In other words, the minority institutions want to have the right to admit students of their choice subject to reasonable regulations about academic qualifications. Fourth is the right to use its properties and assets for the benefit of its own institution.

20. The right conferred on the religious and linguistic minorities to administer educational institutions of their choice is not an absolute right. This right is not free from regulation. Just as regulatory measures are necessary for maintaining the educational character and content of minority institutions similarly regulatory measures are necessary for ensuring

orderly, efficient and sound administration. Das, C.J., in the *Kerala Education Bill case* summed up in one sentence the true meaning of the right to administer by saying that the right to administer is not the right to mal-administer.

22.1.1 While considering the importance of teachers in an educational institution, Ray, C.J., stated:-

“30. Educational institutions are temples of learning. The virtues of human intelligence are mastered and harmonised by education. Where there is complete harmony between the teacher and the taught, where the teacher imparts and the student receives, where there is complete dedication of the teacher and the taught in learning, where there is discipline between the teacher and the taught, where both are worshippers of learning, no discord or challenge will arise. An educational institution runs smoothly when the teacher and the taught are engaged in the common ideal of pursuit of knowledge. It is, therefore, manifest that the appointment of teachers is an important part in educational institutions. The qualifications and the character of the teachers are really important. The minority institutions have the right to administer institutions. This right implies the obligation and duty of the minority institutions to render the very best to the students. In the right of administration, checks and balances in the shape of regulatory measures are required to ensure the appointment of good teachers and their conditions of service. The right to administer is to be tempered with regulatory measures to facilitate smooth administration. The best administration will reveal no trace or colour of minority. A minority institution should shine in exemplary eclectism in the administration of the institution. The best compliment that can be paid to a minority institution is that it does not rest on or proclaim its minority character.

31. Regulations which will serve the interests of the students, regulations which will serve the interests of

the teachers are of paramount importance in good administration. Regulations in the interest of efficiency of teachers, discipline and fairness in administration are necessary for preserving harmony among affiliated institutions.

32. Education should be a great cohesive force in developing integrity of the nation. Education develops the ethos of the nation. Regulations are, therefore, necessary to see that there are no divisive or disintegrating forces in administration.”

(Emphasis supplied)

22.1.2 The conclusion arrived at by the learned Chief Justice was:-

“45. For these reasons the provisions contained in Sections 40, 41, 33-A(1)(a), 33-A(1)(b), 51-A and 52-A cannot be applied to minority institutions. These provisions violate the fundamental rights of the minority institutions.

46. The ultimate goal of a minority institution too imparting general secular education is advancement of learning. This Court has consistently held that it is not only permissible but also desirable to regulate everything in educational and academic matters for achieving excellence and uniformity in standards of education.

47. In the field of administration it is not reasonable to claim that minority institutions will have complete autonomy. Checks on the administration may be necessary in order to ensure that the administration is efficient and sound and will serve the academic needs of the institution. The right of a minority to administer its educational institution involves, as part of it, a correlative duty of good administration.

48. The teachers and the taught form a world of their own where everybody is a votary of learning. They

should not be made to know any distinction. Their harmony rests on dedicated and disciplined pursuit of learning. The areas of administration of minorities should be adjusted to concentrate on making learning most excellent. That is possible only when all institutions follow the motto that the institutions are places for worship of learning by the students and the teachers together irrespective of any denomination and distinction.”

(Emphasis supplied)

22.2 While agreeing with the view taken by the learned Chief Justice with respect to aforestated provisions, Jaganmohan Reddy J., speaking for himself and Alagiriswami J., also juxtaposed provisions in various statutes which had come up for consideration before this Court from time to time. As regards the opinion in ***Re: The Kerala Education Bill, 1957***⁹, it was observed:-

“The scope and ambit of the rights under Articles 29(1) and 30(1) were first considered and analysed by this Court while giving its advice on the Presidential Reference under Article 143 of the Constitution in *Re the Kerala Education Bill, 1957*. The report which was made to the President in that Reference, it is true, is not binding on this Court in any subsequent matter wherein in a concrete case the in fringement of the rights under any analogous provision may be called in question, though it is entitled to great weight. Under Article 143 this Court expresses its opinion if it so chooses and in some cases it might even decline to express its opinion, vide *In Re Levy of Estate Duty*¹² cited with approval by Das, C.J. in *In re The Kerala Education Bill, 1957*. In some cases the opinion may be based on certain stated contingencies or on some assumed or hypothetical situations whereas in a concrete case coming before this Court by way of an

12 1944 FCR 317

appeal under Article 133, or by special leave under Article 136 or by a petition under Article 32, the law declared by it by virtue of Article 141 is binding on all courts within the territory of India. Nonetheless the exposition of the various facets of the rights under Article 29(1) and Article 30(1) by Das, C.J. speaking for the majority, with the utmost clarity, great perspicuity and wisdom has been the text from which this Court has drawn its sustenance in its subsequent decisions. To the extent that this Court has applied these principles to concrete cases there can be no question of there being any conflict with what has been observed by Das, C.J. The decisions rendered on analogous provisions as those that are under challenge in this case would prima facie govern these cases, unless this larger Bench chooses to differ from them.”

22.3 Khanna, J. in his concurring opinion, considered the extent to which regulations could be prescribed, as under:-

“90. We may now deal with the scope and ambit of the right guaranteed by clause (1) of Article 30. The clause confers a right on all minorities, whether they are based on religion or language, to establish and administer educational institutions of their choice. The right conferred by the clause is in absolute terms and is not subject to restrictions, as in the case of rights conferred by Article 19 of the Constitution. The right of the minorities to administer educational institutions does not, however, prevent the making of reasonable regulations in respect of those institutions. The regulations have necessarily to be made in the interest of the institution as a minority educational institution. They have to be so designed as to make it an effective vehicle for imparting education. The right to administer educational institutions can plainly not include the right to maladminister. Regulations can be made to prevent the housing of an educational institution in unhealthy surroundings as also to prevent the setting up or continuation of an educational institution without qualified teachers. The

State can prescribe regulations to ensure the excellence of the institution. Prescription of standards for educational institutions does not militate against the right of the minority to administer the institutions. Regulations made in the true interests of efficiency of instruction, discipline, health, sanitation, morality, public order and the like may undoubtedly be imposed. Such regulations are not restrictions on the substance of the right which is guaranteed: they secure the proper functioning of the institution, in matters educational [see observations of Shah, J. in *Rev. Sidhajibhai Sabhai*¹⁰ p. 850]. Further as observed by Hidayatullah, C.J. in the case of *Very Rev. Mother Provincial*⁴ the standards concern the body politic and are dictated by considerations of the advancement of the country and its people. Therefore, if universities establish syllabi for examinations they must be followed, subject, however, to special subjects which the institutions may seek to teach, and to a certain extent the State may also regulate the conditions of employment of teachers and the health and hygiene of students. Such regulations do not bear directly upon management as such although they may indirectly affect it. Yet the right of the State to regulate education, educational standards and allied matters cannot be denied. The minority institutions cannot be allowed to fall below the standards of excellence expected of educational institutions, or under the guise of exclusive right of management, to decline to follow the general pattern. While the management must be left to them, they may be compelled to keep in step with others.

91. It is, in my opinion, permissible to make regulations for ensuring the regular payment of salaries before a particular date of the month. Regulations may well provide that the funds of the institution should be spent for the purposes of education or for the betterment of the institution and not for extraneous purposes. Regulations may also contain provisions to prevent the diversion of funds of institutions to the pockets of those incharge of management or their embezzlement in any other manner. Provisions for audit of the accounts of the

institution would be permissible regulation. Likewise, regulations may provide that no anti-national activity would be permitted in the educational institutions and that those employed as members of the staff should not have been guilty of any activities against the national interest. Minorities are as much part of the nation as the majority, and anything that impinges upon national interest must necessarily in its ultimate operation affect the interests of all those who inhabit this vast land irrespective of the fact whether they belong to the majority or minority sections of the population. It is, therefore, as much in the interest of minorities as that of the majority to ensure that the protection afforded to minority institutions is not used as a cloak for doing something which is subversive of national interests. Regulations to prevent anti-national activities in educational institutions can, therefore, be considered to be reasonable.

92. A regulation which is designed to prevent maladministration of an educational institution cannot be said to offend clause (1) of Article 30. At the sametime it has to be ensured that under the power of making regulations nothing is done as would detract from the character of the institution as a minority educational institution or which would impinge upon the rights of the minorities to establish and administer educational institutions of their choice. The right conferred by Article 30(1) is intended to be real and effective and not a mere pious and abstract sentiment; it is a promise of reality and not a teasing illusion. Such a right cannot be allowed to be whittled down by any measure masquerading as a regulation. As observed by this Court in the case of *Rev. Sidhajibhai Sabhai*, regulations which may lawfully be imposed either by legislative or executive action as a condition of receiving grant or of recognition must be directed to making the institution while retaining its character as minority institution effective as an educational institution. Such regulation must satisfy a dual test — the test of reasonableness, and the test that it is regulative of the educational character of the institution and is conducive to making the institution

an effective vehicle of education for the minority community or other persons who resort to it.

... ..

94. If a request is made for the affiliation or recognition of an educational institution, it is implicit in the request that the educational institution would abide by the regulations which are made by the authority granting affiliation or recognition. The said authority can always prescribe regulations and insist that they should be complied with before it would grant affiliation or recognition to an educational institution. To deny the power of making regulations to the authority concerned would result in robbing the concept of affiliation or recognition of its real essence. No institution can claim affiliation or recognition until it conforms to a certain standard. The fact that the institution is of the prescribed standard indeed inheres in the very concept of affiliation or recognition. It is, therefore, permissible for the authority concerned to prescribe regulations which must be complied with before an institution can seek and retain affiliation and recognition. Question then arises whether there is any limitation on the prescription of regulations for minority educational institutions. So far as this aspect is concerned, the authority prescribing the regulations must bear in mind that the Constitution has guaranteed a fundamental right to the minorities for establishing and administering their educational institutions. Regulations made by the authority concerned should not impinge upon that right. Balance has, therefore, to be kept between the two objectives, that of ensuring the standard of excellence of the institution and that of preserving the right of the minorities to establish and administer their educational institutions. Regulations which embrace and reconcile the two objectives can be considered to be reasonable.

... ..

103. Another conclusion which follows from what has been discussed above is that a law which interferes

with a minority's choice of qualified teachers or its disciplinary control over teachers and other members of the staff of the institution is void as being violative of Article 30(1). It is, of course, permissible for the State and its educational authorities to prescribe the qualifications of teachers, but once the teachers possessing the requisite qualifications are selected by the minorities for their educational institutions, the State would have no right to veto the selection of those teachers. The selection and appointment of teachers for an educational institution is one of the essential ingredients of the right to manage an educational institution and the minorities can plainly be not denied such right of selection and appointment without infringing Article 30(1). In the case of *Rev. Father W. Proost*¹¹ this Court while dealing with Section 48-A of the Bihar Universities Act observed that the said provision completely took away the autonomy of the governing body of the college and virtually vested the control of the college in the University Service Commission. The petitioners in that case were, therefore, held entitled to the protection of Article 30(1) of the Constitution. The provisions of that section have been referred to earlier. According to the section, subject to the approval of University appointment, dismissals, removals, termination of service or reduction in rank of teachers of an affiliated college not belonging to the State Government would have to be made by the governing body of the college on the recommendation of the University Service Commission. The section further provided that the said Commission would be consulted by the governing body of a college in all disciplinary matters affecting teachers of the college and no action would be taken against or any punishment imposed upon a teacher of a college otherwise than in conformity with the findings of the Commission.

104. In the case of D.A.V. College which was affiliated to the Guru Nanak University, Statute 17 framed under the Guru Nanak University (Amritsar) Act inter alia provided that the staff initially appointed shall be approved by the Vice-Chancellor and that all

subsequent changes shall be reported to the University for Vice-Chancellor's approval. This Court held that Statute 17 interfered with the right of management of the petitioner colleges and, as such, offended Article 30(1).

105. Although disciplinary control over the teachers of a minority educational institution would be with the governing council, regulations, in my opinion, can be made for ensuring proper conditions of service of the teachers and for securing a fair procedure in the matter of disciplinary action against the teachers. Such provisions which are calculated to safeguard the interest of teachers would result in security of tenure and thus inevitably attract competent persons for the posts of teachers. Such a provision would also eliminate a potential cause of frustration amongst the teachers. Regulations made for this purpose should be considered to be in the interest of minority educational institutions and as such they would not violate Article 30(1)."

(Emphasis supplied)

22.4 In his concurring view, Mathew, J. speaking for himself and Chandrachud, J. (as the learned Chief Justice, then was) also dealt with the extent to which the regulations could be prescribed, as under:-

"174. We find it impossible to subscribe to the proposition that State necessity is the criterion for deciding whether a regulation imposed on an educational institution takes away or abridges the right under Article 30(1). If a legislature can impose any regulation which it thinks necessary to protect what in its view is in the interest of the State or society, the right under Article 30(1) will cease to be a fundamental right. It sounds paradoxical that a right which the Constitution makers wanted to be absolute can be subjected to regulations which need only satisfy the nebulous and elastic test of State necessity. The very purpose of incorporating this right in Part III

of the Constitution in absolute terms in marked contrast with the other fundamental rights was to withdraw it from the reach of the majority. To subject the right today to regulations dictated by the protean concept of State necessity as conceived by the majority would be to subvert the very purpose for which the right was given.

175. What then are the additional regulations which can legitimately be imposed upon an educational institution established and administered by a religious or linguistic minority which imparts general secular education and seeks recognition or affiliation?

176. Recognition or affiliation is granted on the basis of the excellence of an educational institution, namely, that it has reached the educational standard set up by the university. Recognition or affiliation is sought for the purpose of enabling the students in an educational institution to sit for an examination to be conducted by the university and to obtain a degree conferred by the university. For that purpose, the students should have to be coached in such a manner so as to attain the standard of education prescribed by the university. Recognition or affiliation creates an interest in the university to ensure that the educational institution is maintained for the purpose intended and any regulation which will subserve or advance that purpose will be reasonable and no educational institution established and administered by a religious or linguistic minority can claim recognition or affiliation without submitting to those regulations. That is the price of recognition or affiliation: but this does not mean that it should submit to a regulation stipulating for surrender of a right or freedom guaranteed by the Constitution, which is unrelated to the purpose of recognition or affiliation. In other words, recognition or affiliation is a facility which the university grants to an educational institution, for the purpose of enabling the students there to sit for an examination to be conducted by the university in the prescribed subjects and to obtain the degree conferred by the university, and therefore, it stands to reason to hold that no regulation which is unrelated to the

purpose can be imposed. If, besides recognition or affiliation, an educational institution conducted by a religious minority is granted aid, further regulations for ensuring that the aid is utilized for the purpose for which it is granted will be permissible. The heart of the matter is that no educational institution established by a religious or linguistic minority can claim total immunity from regulations by the legislature or the university if it wants affiliation or recognition; but the character of the permissible regulations must depend upon their purpose. As we said, such regulations will be permissible if they are relevant to the purpose of securing or promoting the object of recognition or affiliation. There will be border line cases where it is difficult to decide whether a regulation really subserves the purpose of recognition or affiliation. But that does not affect the question of principle. In every case, when the reasonableness of a regulation comes up for consideration before the Court, the question to be asked and answered is whether the regulation is calculated to subserve or will in effect subserve the purpose of recognition or affiliation, namely, the excellence of the institution as a vehicle for general secular education to the minority community and to other persons who resort to it. The question whether a regulation is in the general interest of the public has no relevance, if it does not advance the excellence of the institution as a vehicle for general secular education as, *exhypothesi*, the only permissible regulations are those which secure the effectiveness of the purpose of the facility, namely, the excellence of the educational institutions in respect of their educational standards. This is the reason why this Court has time and again said that the question whether a particular regulation is calculated to advance the general public interest is of no consequence if it is not conducive to the interests of the minority community and those persons who resort to it.

...

182. It is upon the principal and teachers of a college that the tone and temper of an educational institution

depend. On them would depend its reputation, the maintenance of discipline and its efficiency in teaching. The right to choose the principal and to have the teaching conducted by teachers appointed by the management after an overall assessment of their outlook and philosophy is perhaps the most important facet of the right to administer an educational institution. We can perceive no reason why a representative of the University nominated by the Vice-Chancellor should be on the Selection Committee for recruiting the Principal or for the insistence of head of the department besides the representative of the University being on the Selection Committee for recruiting the members of the teaching staff. So long as the persons chosen have the qualifications prescribed by the University, the choice must be left to the management. That is part of the fundamental right of the minorities to administer the educational institution established by them.”

(Emphasis supplied)

22.5 In his concurring opinion, Beg, J. (as the learned Chief Justice then was) however struck a slightly different chord. At the outset he stated:-

197. ... I would, however, like to point out that, as rights and duties are correlative, it follows, from the extent of this wider right of a minority under Article 30(1) to impart even general or non-denominational secular education to those who may not follow its culture or subscribe to its beliefs, that, when a minority Institution decides to enter this wider educational sphere of national education, it, by reason of this free choice itself, could be deemed to opt to adhere to the needs of the general pattern of such education in the country, at least whenever that choice is made in accordance with statutory provisions. Its choice to impart an education intended to give a secular orientation or character to its education necessarily entails its assent to the imperative needs

of the choice made by the State about the kind of “secular” education which promotes national integration or the elevating objectives set out in the preamble to our Constitution, and the best way of giving it. If it is part of a minority’s rights to make such a choice it should also be part of its obligations, which necessarily follow from the choice, to adhere to the general pattern. The logical basis of such a choice is that the particular minority Institution, which chooses to impart such general secular education, prefers that higher range of freedom where, according to the poet Rabindranath Tagore, “the narrow domestic walls” which constitute barriers between various sections of the nation will crumble and fall.”

22.5.1 In his view, third set of provisions namely Sections 51A and 52A did not constitute any unreasonable encroachment on the essence of the rights under Article 30(1) of the Constitution. It was observed:-

“212. Section 51-A of the Act appears to me to lay down general conditions for the dismissal, removal, reduction in rank and termination of services of members of the staff of all colleges to which it applies. Again, we have not to consider here either the wisdom or unwisdom of such a provision or the validity of any part of Section 51-A of the Act on the ground that it violates any fundamental right other than the ones conferred by Article 30(1) of the Constitution. If, as I have indicated above, a greater degree of interference with the right to administer or manage an institution can be held to be permissible as a logical consequence of the exercise of an option of a minority for an institution governed by a statute, with all its benefits as well as disadvantages, it seems to me that provisions of Section 51-A do not constitute an unreasonable encroachment on the essence of rights of a minority institution protected by Article 30(1) of the Constitution which consists of freedom of choice. For similar reasons, I do not think that Section

52-A of the Act constitutes an infringement of the special minority rights under Article 30(1) of the Constitution when the institution opts for a statutory right which necessarily involves statutory restrictions. Of course, if these provisions could be held to be invalid on any grounds as against all affiliated colleges, whether they are administered by minorities or majorities in a State, they could be held to be invalid against the petitioning College too on those grounds. But, as I have already said, we are not concerned here with such grounds or questions at all.”

22.5.2 Beg, J., then considered all previous decisions of this Court and made following observations:-

“221. Evidently, what was meant was that the right to exclusive management of the institution is separable from the right to determine the character of education and its standards. This may explain why “standards” of education were spoken as “not part of management” at all. It meant that the right to manage, having been conferred in absolute terms, could not be interfered with at all although the object of that management could be determined by a general pattern to be laid down by the State which could prescribe the syllabi and standards of education. Speaking for myself, I find it very difficult to separate the objects and standards of teaching from a right to determine who should teach and what their qualifications should be. Moreover, if the “standards of education” are not part of management, it is difficult to see how they are exceptions to the principle of freedom of management from control. Again, if what is aimed at directly is to be distinguished from an indirect effect of it, the security of tenure of teachers and provisions intended to ensure fair and equitable treatment for them by the management of an institution would also not be directly aimed at interference with its management. They could more properly be viewed as designed to improve and ensure the excellence of teachers available at the institution, and, therefore, to raise the

general standard of education. I think that it is enough for us to distinguish this case on the ground that the provisions to be interpreted by us are different, although, speaking for myself, I feel bound to say, with great respect, that I am unable to accept every proposition found stated there as correct. In that case, the provisions of the Kerala University Act 9 of 1969, considered there were inescapable for the minority institutions which claimed the right to be free from their operation. As I have already observed, in the case before us, Section 38-B of the Act provides the petitioning College before us with a practically certain mode of escape from the compulsiveness of provisions other than Sections 5, 40 and 41 of the Act if claims made on its behalf are correct.

... ..

229. It may be that Article 30(1) of the Constitution is a natural result of the feeling of insecurity entertained by the minorities which had to be dispelled by a guarantee which could not be reduced to a “teasing illusion”. But, is it anything more than an illusion to view the choice of a minority as to what it does with its educational institution as a matter of unconcern and indifference to the whole organised society which the State represents?”

... ..

232. Even if Article 30(1) of the Constitution is held to confer absolute and unfettered rights of management upon minority institutions, subject only to absolutely minimal and negative controls in the interests of health and law and order, it could not be meant to exclude a greater degree of regulation and control when a minority institution enters the wider sphere of general secular and non-denominational education, largely employs teachers who are not members of the particular minority concerned, and when it derives large parts of its income from the fees paid by those who are not members of the particular minority in question. Such greater degree of control could be justified by the need to secure the interests of those who are affected by the management of the minority institution and the education it imparts but

who are not members of the minority in management. In other words, the degree of reasonably permissible control must vary from situation to situation. For the reasons already given above, I think that, apart from Sections 5, 40 and 41 of the Act, which directly and unreasonably impinge upon the rights of the petitioning minority managed college, protected by Article 30(1) of the Constitution, I do not think that the other provisions have that effect. On the situation under consideration before us, the minority institution affected by the enactment has, upon the claims put forward on its behalf, a means of escape from the impugned provisions other than Sections 5, 40 and 41 of the Act by resorting to Section 38-B of the Act.”

22.6 In his dissenting view, Dwivedi, J. expressed with regard to the extent of regulatory power as under:-

“266. The extent of regulatory power of the State would vary according to various types of educational institutions established by religious and linguistic minorities. Educational institutions may be classified in several ways: (1) According to the nature of instruction which is being imparted by the minorities. It may be religious, cultural and linguistic instruction or secular general education or mixed; (2) According to grant of aid and recognition by the State. Some institutions may receive aid; the others may not. Similarly, some institutions may receive recognition; the others may not. There may be some others which may receive both aid and recognition; some others may receive neither aid nor recognition. (3) According to the standard of secular general education which is being imparted in the institutions — primary, secondary and higher. (4) According to the nature of education such as military academy, marine engineering in which the State is vitally interested for various reasons.

267. The extent of regulatory power may vary from class to class as well as within a class. For instance,

institutions receiving aid and recognition may be subject to greater regulation than those which receive neither. Similarly, institutions imparting secular general education may be subject to greater regulation than those which are imparting religious, cultural and linguistic instruction solely.

268. An educational institution would consist of: (1) the managing body of the institution, (2) teaching staff, (3) non-teaching staff, (4) students; and (5) property of various kinds. Here again, the extent of the regulatory power may vary from one constituent to another. For instance, the teaching staff and property may be subject to greater regulation than the composition of the managing body. Plainly, no minority educational institution can be singled out for treatment different from one meted out to the majority educational institution. A regulation meeting out such a discriminatory treatment will be obnoxious to Article 30(1).”

22.7 The operative part of the Order passed by this Court was:-

“304. By majority Sections 33-A, 40, 41, 51-A(1)(b), 51-A(2)(b) and 52-A of the Gujarat University Act, 1949 as amended do not apply to institutions established and administered by linguistic and religious minorities.”

23. In *The Gandhi Faiz-e-am College, Shahjahanpur v. University of Agra and Another*¹³, a Bench of three Judges of this Court considered whether Statute 14A framed by University of Agra infringed fundamental rights of the minority community under Article 30 of the Constitution. The facts as set out in para 3 were as under:-

13 (1975) 2 SCC 283

“3. The appellant is a registered society formed by the members of the Muslim community at Shahjahanpur. Indubitably, the community ranks as a minority in the country and the educational institution run by it has been found to be what may loosely be called a “minority institution”, within the constitutional compass of Article 30. The earlier history of the institution need not detain us and a rapid glance at its evolution is enough. The A.V. Middle School was the offspring of the effort of the Muslim minority resident in Shahjahanpur district. It, later became a high school and afterwards attained the status of an Intermediate college. Eventually it blossomed into a degree college affiliated to the University of Agra. In 1948, on the assassination of the Father of the Nation, this college was commemoratively renamed as Gandhi Faiz-e-am College. In August 1964, an application was made on behalf of the college management to the University for permission to start teaching in courses of study including Sociology, Sanskrit, Arabic, Military Studies, Drawing and Painting. The University entertained the thought that a new organisational discipline must be brought into the institution and insisted, as a condition of recognition of these additional subjects as course of study, on certain mutations in the administrative body of the college. The bone of contention before us, as was before the High Court, is that this prescription by the University, in tune with Statute 14A framed by it, is an invasion of the fundamental right guaranteed to the minority community under Article 30 of the Constitution of India. The High Court has negatived the plea of the management and the appeal issues from that decision.”

23.1 Statute 14A as quoted in para 6 was to the following effect:-

“14A. Each college, already affiliated or when affiliated, which is not maintained exclusively by Government must be under the Management of a regular constituted Governing body (which term includes Managing Committee) on which the staff of the college shall be represented by the Principal of the college and at least one representative of the teachers

of the college to be appointed by rotation in order of seniority determined by length of service in the college, who shall hold office for one academic year.”

23.2 Krishna Iyer, J. speaking for himself and Gupta, J. found the provision calculated to promote excellence of the Institution and therefore rejected the challenge. The relevant observations were:-

“16. The discussion throws us back to a closer study of Statute 14A to see if it cuts into the flesh of the management’s right or merely tones up its health and habits. The two requirements the University asks for are that the managing body (whatever its name) must take in (a) the Principal of the College; (b) its seniormost teacher. Is this desideratum dismissible as biting into the autonomy of management or tenable as ensuring the excellence of the institution without injuring the essence of the right? On a careful reflection and conscious of the constitutional dilemma, we are inclined to the view that this case falls on the valid side of the delicate line. Regulation which restricts is bad; but regulation which facilitates is good. Where does this fine distinction lie? No rigid formula is possible but a flexible test is feasible. Where the object and effect is to improve the tone and temper of the administration without forcing on it a stranger, however superb his virtues be, where the directive is not to restructure the governing body but to better its performance by a marginal catalytic induction, where no external authority’s fiat or approval or outside nominee is made compulsory to validate the Management Board but inclusion of an internal key functionary appointed by the autonomous management alone is asked for, the provision is salutary and saved, being not a diktat eroding the freedom of the freedom.

... ..

24. In all these cases administrative autonomy is imperilled transgressing purely regulatory limits. In

our case autonomy is virtually left intact and refurbishing, not restructuring, is prescribed. The core of the right is not gouged out at all and the regulation is at once reasonable and calculated to promote excellence of the institution — a text book instance of constitutional conditions.”

23.3. Mathew, J. authored a dissenting opinion. Relying upon various views expressed in *Ahmedabad St. Xavier’s College*⁵ including one rendered by the learned Judge himself, it was observed :-

“41. The determination of the composition of the body to administer the educational institution established by a religious minority must be left to the minority as that is the core of the right to administer. Regulations to prevent maladministration by that body are permissible. As the right to determine the composition of the body which will administer the educational institution is the very essence of the right to administer guaranteed to the religious or linguistic minority under Article 30(1), any interference in that area by an outside authority cannot be anything but an abridgment of that right. The religious or linguistic minority must be given the freedom to constitute the agency through which it proposes to administer the educational institution established by it as that is what Article 30(1) guarantees. The right to shape its creation is one thing; the right to regulate the manner in which it would function after it has come into being is another. Regulations are permissible to prevent maladministration but they can only relate to the manner of administration after the body which is to administer has come into being.

42. The provisions of Statute 14A are in pari materia with those of Section 33-A(1)(a) of the Act which fell for consideration in *Ahmedabad St. Xavier’s College case* (supra) except that only the principal and the seniormost member of the staff alone are required to be included in the managing committee of the college

in question here. But, in principle, that makes no difference. The principle, as I said, is that the minority community has the exclusive right to vest the administration of the college in a body of its own choice, and any compulsion from an outside authority to include any other person in that body is an abridgment of its fundamental right to administer the educational institution.”

23.4 In terms of the decision of the majority, the challenge was negated and Statute 14A was not found to be vulnerable or void.

24. In *Lily Kurian v. Sr. Lewina and Others*¹⁴, a Bench of five Judges of this Court was called upon to consider whether the appellate power conferred upon the Vice Chancellor of the University¹⁵ would encroach upon the rights of a minority institution to enforce and ensure discipline over its teachers.

The matter was considered by this Court as under:-

“51. An analysis of the judgments in *St. Xaviers College case* clearly shows that seven out of nine judges held that the provisions contained in clause (b) of sub-sections (1) and (2) of Section 51-A of the Act were not applicable to an educational institution established and managed by religious or linguistic minority as they interfere with the disciplinary control of the management over the staff of its educational institutions. The reasons given by the majority were that the power of the management to terminate the services of any member of the teaching or other academic and non-academic staff was based on the

14 (1979) 2 SCC 124

15 By Ordinance 33 against any order passed by the Management taking disciplinary action against a teacher.

relationship between an employer and his employees and no encroachment could be made on this right to dispense with their services under the contract of employment, which was an integral part of the right to administer, and that these provisions conferred on the Vice-Chancellor or any other officer of the University authorised by him, uncanalised, unguided and unlimited power to veto the actions of the management. According to the majority view, the conferral of such blanket power on the Vice-Chancellor and his nominee was an infringement of the right of administration guaranteed under Article 30(1) to the minority institutions, religious and linguistic. The majority was accordingly of the view that the provisions contained in clause (b) of subsections (1) and (2) of Section 51-A of the Act had the effect of destroying the minority institution's disciplinary control over the teaching and non-teaching staff of the college as no punishment could be inflicted by the management on a member of the staff unless it gets approval from an outside authority like the Vice-Chancellor or an officer of the University authorised by him. On the contrary, the two dissenting Judges were of the view that these provisions were permissive regulatory measures.

52. The power of appeal conferred on the Vice-Chancellor under Ordinance 33(4) is not only a grave encroachment on the institution's right to enforce and ensure discipline in its administrative affairs but it is uncanalised and unguided in the sense that no restrictions are placed on the exercise of the power. The extent of the appellate power of the Vice-Chancellor is not defined, and, indeed, his powers are unlimited. The grounds on which the Vice-Chancellor can interfere in such appeals are also not defined. He may not only set aside an order of dismissal of a teacher and order his reinstatement, but may also interfere with any of the punishments enumerated in Items (ii) to (v) of Ordinance 33(2), that is to say, he can even interfere against the infliction of minor punishments. In the absence of any guide-lines, it cannot be held that the power of the Vice-Chancellor

under Ordinance 33(4) was merely a check on maladministration.

53. As laid down by the majority in *St. Xaviers College case*, such a blanket power directly interferes with the disciplinary control of the managing body of a minority educational institution over its teachers. The majority decision in *St. Xaviers College case* squarely applies to the facts of the present case and accordingly it must be held that the impugned Ordinance 33(4) of the University of Kerala is violative of Article 30(1) of the Constitution. If the conferral of such power on an outside authority like the Vice-Chancellor, which while maintaining the formal character of a minority institution destroys the power of administration, that is, its disciplinary control, is held justifiable because it is in the public and national interest, though not in its interest as an educational institution, the right guaranteed by Article 30(1) will be, to use the well-known expression, a “teasing illusion”, a “promise of unreality”.

25. In *All Saints High School, Hyderabad and Others v. Government of Andhra Pradesh and Others*¹⁶, the question that arose for consideration before a Bench of three Judges of this Court, was whether certain provisions of Andhra Pradesh Recognised Private Educational Institutions (Control) Act, 1975 offended fundamental rights conferred on minorities by Article 30(1). In terms of Sections 3(1) and 3(2), no teacher employed in any private educational institution could be dismissed or removed or reduced in rank except with the prior approval of the competent authority; and in terms of Section 3(2) such approval could be granted if the

¹⁶ (1980) 2 SCC 478

competent authority was satisfied that there were adequate and reasonable grounds. Section 3(3)(a) provided that no teacher could be placed under suspension except when an enquiry into the gross misconduct of such teacher was contemplated and as per terms of Section 3(3)(b), no suspension could remain in force for more than two months if the enquiry was not completed within that period.

25.1. Chandrachud, C.J. agreed with Fazal Ali, J. that Sections 3(1) and 3(2) would offend Article 30(1) and as such could not be applied to minority institutions. The learned Chief Justice however did not agree with Faizal Ali, J. insofar as Sections 3(3)(a) and 3(3)(b) but agreed with Kailasam, J. to hold that those provisions did not offend Article 30(1). Faizal Ali, J. had found all the provisions to be invalid while Kailasam, J. had found the concerned provisions to be valid and not violative of Article 30(1) of the Constitution.

26. In ***Frank Anthony Public School Employees' Association v. Union of India and others***¹⁷ validity of Section 12 of Delhi School Education Act on the strength of which certain provisions of said Act would not apply to an unaided minority school, was under challenge. It was submitted by the petitioners that the teachers and other employees

17 (1986) 4 SCC 707

working in an unaided school were entitled to same pay-scale, allowances and benefits as were enjoyed by persons employed in schools governed by the provisions of said Act and to the extent Section 12 excluded applicability of some of the provisions of the Act, said Section was hit by Article 14 of the Constitution. The argument raised on behalf of the institution was :-

“14.the right to appoint members of staff being an undoubted right of the management and the right to stipulate their salaries and allowances etc. being part of their right to appoint, such right could not be taken away from the management of a minority institution.”

26.1 While allowing the petition this Court observed:

“16. The excellence of the instruction provided by an institution would depend directly on the excellence of the teaching staff, and in turn, that would depend on the quality and the contentment of the teachers. Conditions of service pertaining to minimum qualifications of teachers, their salaries, allowances and other conditions of service which ensure security, contentment and decent living standards to teachers and which will consequently enable them to render better service to the institution and the pupils cannot surely be said to be violative of the fundamental right guaranteed by Article 30(1) of the Constitution. The management of a minority Educational Institution cannot be permitted under the guise of the fundamental right guaranteed by Article 30(1) of the Constitution, to oppress or exploit its employees any more than any other private employee. Oppression or exploitation of the teaching staff of an educational institution is bound to lead, inevitably, to discontent and deterioration of the standard of instruction

imparted in the institution affecting adversely the object of making the institution an effective vehicle of education for the minority community or other persons who resort to it. The management of minority institution cannot complain of invasion of the fundamental right to administer the institution when it denies the members of its staff the opportunity to achieve the very object of Article 30(1) which is to make the institution an effective vehicle of education.

(Emphasis supplied)

... ..

23. We must refer to the submissions of Mr Frank Anthony regarding the excellence of the institution and the fear that the institution may have to close down if they have to pay higher scales of salary and allowances to the members of the staff. As we said earlier the excellence of the institution is largely dependent on the excellence of the teachers and it is no answer to the demand of the teachers for higher salaries to say that in view of the high reputation enjoyed by the institution for its excellence, it is unnecessary to seek to apply provisions like Section 10 of the Delhi School Education Act to the Frank Anthony Public School. On the other hand, we should think that the very contribution made by the teachers to earn for the institution the high reputation that it enjoys should spur the management to adopt at least the same scales of pay as the other institutions to which Section 10 applies. Regarding the fear expressed by Shri Frank Anthony that the institution may have to close down we can only hope that the management will do nothing to the nose to spite the face, merely to “put the teachers in their proper place”. The fear expressed by the management here has the same ring as the fear expressed invariably by the management of every industry that disastrous results would follow which may even lead to the closing down of the industry if wage scales are revised.”

27. In *Bihar State Madarasa Education Board, Patna v. Madarasa Hanfia Arabic College, Jamalia and others*¹⁸ the declaration by the High Court that Section 7(2)(n) was unconstitutional as it conferred power on the Board to dissolve the Managing Committee of a Madarasa, was under challenge. The decision was upheld by this Court observing as under:

“6. The question which arises for consideration is whether Section 7(2)(n) which confers power on the Board to dissolve the Managing Committee of an aided and recognised Madarasa institution violates the minorities constitutional right to administer its educational institution according to their choice. This Court has all along held that though the minorities have right to establish and administer educational institution of their own choice but they have no right to maladminister and the State has power to regulate management and administration of such institutions in the interest of educational need and discipline of the institution. Such regulation may have indirect effect on the absolute right of minorities but that would not violate Article 30(1) of the Constitution as it is the duty of the State to ensure efficiency in educational institutions. The State has, however, no power to completely take over the management of a minority institution. Under the guise of regulating the educational standards to secure efficiency in institution, the State is not entitled to frame rules or regulations compelling the management to surrender its right of administration. In *State of Kerala v. Very Rev. Mother Provincial*, Section 63(1) of the Kerala University Act, 1969 which conferred power on the government to take over the management of a minority institution on its default in carrying out the directions of the State Government was declared ultra vires on the ground that the provisions interfered with the constitutional right of a minority to administer its institution. Minority institutions cannot be allowed to

18 (1990) 1 SCC 428

fall below the standard of excellence on the pretext of their exclusive right of management but at the same time their constitutional right to administer their institutions cannot be completely taken away by superseding or dissolving Managing Committee or by appointing ad hoc committees in place thereof. In the instant case Section 7(2)(n) is clearly violative of constitutional right of minorities under Article 30(1) of the Constitution insofar as it provides for dissolution of Managing Committee of a Madarasa. We agree with the view taken by the High Court.”

28. In *St. Stephen’s College vs. University of Delhi*¹⁹ a Bench of five Judges of this Court had an occasion to consider the admission process adopted by two aided minority institutions viz. St. Stephen’s College at Delhi and Allahabad Agricultural Institute at Naini. The factual context as summed-up in the majority judgment authored by Shetty, J., was as under:-

“68. It is not in dispute that St. Stephen’s College and Allahabad Agricultural Institute are receiving grant-in-aid from the government. St. Stephen’s College gives preference to Christian students. The Allahabad Agricultural Institute reserves 50 per cent of the seats for Christian students. The Christian students admitted by preference or against the quota reserved are having less merit in the qualifying examination than the other candidates. The other candidates with more merit are denied admission on the ground that they are not Christians.

69. It was argued for the University and the Students Union that since both the institutions are receiving State aid, the institutional preference for admission based on religion is violative of Article 29(2) of the Constitution. The institutions shall not prefer or deny

19 (1992) 1 SCC 558

admission to candidates on ground of religion. For institutions, on the other hand, it was claimed that any preference given to the religious minority candidates in their own institutions cannot be a discrimination falling under Article 29(2). The institutions are established for the benefit of their community and if they are prevented from admitting their community candidates, the purpose of establishing the institutions would be defeated. The minorities are entitled to admit their candidates by preference or by reservation. They are also entitled to admit them to the exclusion of all others and that right flows from the right to establish and administer educational institutions guaranteed under Article 30(1).”

28.1 The majority judgment dealt with the submissions raised by the institution as under:-

“80. Equally, it would be difficult to accept the second submission that the minorities are entitled to establish and administer educational institutions for their exclusive benefit. The choice of institution provided in Article 30(1) does not mean that the minorities could establish educational institution for the benefit of their own community people. Indeed, they cannot. It was pointed out in *Re, Kerala Education Bill* that the minorities cannot establish educational institution only for the benefit of their community. If such was the aim, Article 30(1) would have been differently worded and it would have contained the words “for their own community”. In the absence of such words it is legally impermissible to construe the article as conferring the right on the minorities to establish educational institution for their own benefit.

81. Even in practice, such claims are likely to be met with considerable hostility. It may not be conducive to have a relatively homogeneous society. It may lead to religious bigotry which is the bane of mankind. In the nation building with secular character sectarian

schools or colleges, segregated faculties or universities for imparting general secular education are undesirable and they may undermine secular democracy. They would be inconsistent with the central concept of secularism and equality embedded in the Constitution. Every educational institution irrespective of community to which it belongs is a 'melting pot' in our national life. The students and teachers are the critical ingredients. It is there they develop respect for, and tolerance of, the cultures and beliefs of others. It is essential therefore, that there should be proper mix of students of different communities in all educational institutions."

28.2 The relaxation given by St. Stephen's College to Christian students was dealt with as under:-

"50. To Christian students, relaxation up to 10 per cent is given. The Scheduled Castes/Scheduled Tribes candidates who are having a minimum of 50 per cent of marks are called for interview for selection to Honours courses. For B.A. pass course, a further concession to them is granted and the qualifying marks are reduced even below 50 per cent. As far as sportsmen and sportswomen are concerned, national or State level players are given concession normally up to 10 per cent and in exceptional cases up to 15 per cent or even more. However, a Christian student, who is below the cut-off percentage by more than 10 per cent is never called for interview.

51. The actual working of the concession given by the College and the result achieved thereon in several years are set out in Annexure I to Writ Petition No. 1868 of 1980. The Christian students who get concession up to 10 per cent and thereby get preferential admission are only 6 per cent to 10 per cent. They are also admitted in accordance with the standard prescribed by the University and none who falls below the standard has ever been admitted to the College."

28.3 The majority Judgment, then, considered the matter from the perspective of “*Rights of Minorities and Balancing Interest*” and observed:-

“101. Laws carving out the rights of minorities in Article 30(1) however, must not be arbitrary, invidious or unjustified; they must have a reasonable relation between the aim and the means employed. The individual rights will necessarily have to be balanced with competing minority interests. In *Sidhajibhai case*¹⁰ the government order directing the minority run college to reserve 80 per cent of seats for government nominees and permitting only 20 per cent of seats for the management with a threat to withhold the grant-in-aid and recognition was struck down by the Court as infringing the fundamental freedom guaranteed by Article 30(1). Attention may also be drawn to Article 337 of the Constitution which provided a special concession to Anglo-Indian community for ten years from the commencement of the Constitution. Unlike Article 30(2) it conferred a positive right on the Anglo-Indian community to get grants from the government for their educational institutions, but subject to the condition that at least 40 per cent of annual admission were made available to members of other communities.

102. In the light of all these principles and factors, and in view of the importance which the Constitution attaches to protective measures to minorities under Article 30(1), the minority aided educational institutions are entitled to prefer their community candidates to maintain the minority character of the institutions subject of course to conformity with the University standard. The State may regulate the intake in this category with due regard to the need of the community in the area which the institution is intended to serve. But in no case such intake shall exceed 50 per cent of the annual admission. The

minority institutions shall make available at least 50 per cent of the annual admission to members of communities other than the minority community. The admission of other community candidates shall be done purely on the basis of merit.”

28.4 It was also observed that regulations which serve the interest of students and teachers and preserve the uniformity in standards of education amongst the affiliated institutions could validly be made. The relevant discussion in para 59 was as under:-

“59. The need for a detailed study on this aspect is indeed not necessary. The right to minorities whether religious or linguistic, to administer educational institutions and the power of the State to regulate academic matters and management is now fairly well settled. The right to administer does not include the right to maladminister. The State being the controlling authority has right and duty to regulate all academic matters. Regulations which will serve the interests of students and teachers, and to preserve the uniformity in standards of education among the affiliated institutions could be made. The minority institutions cannot claim immunity against such general pattern and standard or against general laws such as laws relating to law and order, health, hygiene, labour relations, social welfare legislations, contracts, torts etc. which are applicable to all communities. So long as the basic right of minorities to manage educational institution is not taken away, the State is competent to make regulatory legislation. Regulations, however, shall not have the effect of depriving the right of minorities to educate their children in their own institution. That is a privilege which is implied in the right conferred by Article 30(1)”.

(Emphasis supplied)

28.5 The dissenting opinion of Kasliwal, J. quoted a passage from the Constituent Assembly Debates (CAD) touching upon the matter in issue as under :-

“137. These were Articles 23(1) on the one hand and 23(3)(a) and 23(3)(b) on the other hand in the Draft Constitution. Firstly, Dr B.R. Ambedkar said in relation to draft Article 23(2) corresponding to the present Article 28 of the Constitution that even in relation to Articles 30 and 29 the State was completely free to give or not to give aid to the educational institutions of the religious or linguistic minorities. He said²⁰:

“Now, with regard to the second clause I think it has not been sufficiently well understood. We have tried to reconcile the claim of a community which has started educational institutions for the advancement of its own children either in education or in cultural matters, to permit to give religious instruction in such institutions; notwithstanding the fact that it receives certain aid from the State. The State, of course, is free to give aid, is free not to give aid; the only limitation we have placed is this, that the State shall not debar the institution from claiming aid under its grant-in-aid code merely on the ground that it is run and maintained by a community and not maintained by a public body. We have there provided also a further qualification, that while it is free to give religious instruction in the institution and the grant made by the State shall not be a bar to the giving of such instruction, it shall not give instruction to, or make it compulsory upon, the children belonging to other communities unless and until they obtain the consent of the parents of these

children. That, I think, is a salutary provision. It performs two functions...

Shri H.V. Kamath: On a point of clarification what about institutions and schools run by a community or a minority for its own pupils — not a school where all communities are mixed but a school run by the community for its own pupils?

The Hon'ble Dr B.R. Ambedkar: If my friend, Mr Kamath will read the other article he will see that once an institution, whether maintained by the community or not, gets a grant, the condition is that it shall keep the school open to all communities. That provision he has not read."

138. He reaffirmed the freedom of the State to give or not to give aid to these schools when directly referring to draft Article 23 which is the precursor of the present Articles 29 and 30 as follows²¹:

"I think another thing which has to be borne in reading Article 23 is that it does not impose any obligation or burden upon the State. It does not say that, when for instance the Madras people come to Bombay, the Bombay Government shall be required by law to finance any project of giving education either in Tamil language or in Andhra language or any other language. There is no burden cast upon the State. The only limitation that is imposed by Article 23 is that if there is a cultural minority which wants to preserve its language, its script and its culture, the State shall not by law impose upon it any other culture which may be either local or otherwise."

And, went on to observe that once an institution was receiving aid,

"it must abide by the rigor of Article 29(2) in the matter of admission of

students in the college” and “as already held by me, St. Stephen’s College and Allahabad Agricultural Institute are not entitled to claim any preferential right or reservation in favour of students of Christian community as they are getting grant-in-aid and as such I do not consider it necessary to labour any more on the question of deciding as to what percentage can be considered as reasonable”

29. We must also refer to two decisions of this Court after the decision in *Ahmedabad St. Xaviers College*⁵ where the appointment of Principal of a minority educational institution was in question.

29.1 In *Board of Secondary Education and Teachers Training v. Jt. Director of Public Instructions, Sagar and others*²², a Bench of two Judges of this Court observed:

“3. The decisions of this Court make it clear that in the matter of appointment of the Principal, the management of a minority educational institution has a choice. It has been held that one of the incidents of the right to administer a minority educational institution is the selection of the Principal. Any rules which take away this right of the management have been held to be interfering with the right guaranteed by Article 30 of the Constitution. In this case, both Julius Prasad selected by the management and the third respondent are qualified and eligible for appointment as Principal according to rules. The

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question is whether the management is not entitled to select a person of their choice. The decisions of this Court including the decision in *State of Kerala v. Very Rev. Mother Provincial* and *Ahmedabad St. Xavier's College Society v. State of Gujarat* make it clear that this right of the minority educational institution cannot be taken away by any rules or regulations or by any enactment made by the State. We are, therefore, of the opinion that the High Court was not right in holding otherwise. The State has undoubtedly the power to regulate the affairs of the minority educational institutions also in the interest of discipline and excellence. But in that process, the aforesaid right of the management cannot be taken away, even if the Government is giving hundred per cent grant. We need not go into any other question in this appeal.”

(Emphasis supplied)

29.2 In *N. Ammad v. Manager, Emjay High School and others*²³ a Bench of two Judges of this Court, while dealing with the issue “whether the management of a minority school was free to choose and appoint any qualified person as Headmaster” observed as under:

“18. Selection and appointment of Headmaster in a school (or Principal of a college) are of prime importance in administration of that educational institution. The Headmaster is the key post in the running of the school. He is the hub on which all the spokes of the school are set around whom they rotate to generate result. A school is personified through its Headmaster and he is the focal point on which outsiders look at the school. A bad Headmaster can spoil the entire institution, an efficient and honest Headmaster can improve it by leaps and bounds. The functional efficacy of a school very much depends upon the efficiency and dedication of its Headmaster. This pristine precept remains unchanged despite many

23 (1998) 6 SCC 674

changes taking place in the structural patterns of education over the years.

19. How important is the post of Headmaster of a school has been pithily stated by a Full Bench of the Kerala High Court in *Aldo Maria Patroni v. E.C. Kesavan*. Chief Justice M.S. Menon has, in a style which is inimitable, stated thus:

“The post of the headmaster is of pivotal importance in the life of a school. Around him wheels the tone and temper of the institution; on him depends the continuity of its traditions, the maintenance of discipline and the efficiency of its teaching. The right to choose the headmaster is perhaps the most important facet of the right to administer a school, and we must hold that the imposition of any trammel thereon — except to the extent of prescribing the requisite qualifications and experience — cannot but be considered as a violation of the right guaranteed by Article 30(1) of the Constitution. To hold otherwise will be to make the right ‘a teasing illusion, a promise of unreality’.”

20. The importance of the key role which a Headmaster plays in the school cannot be better delineated than that. The nine-Judge Bench in the *Ahmedabad St. Xavier’s College Society* has highlighted the importance of the role of the Principal of a college. In support of majority view in that decision K.K. Mathew, J. has observed thus: (SCC pp. 815-16, para 182)

“182. It is upon the principal and teachers of a college that the tone and temper of an educational institution depend. On them would depend its reputation, the maintenance of discipline and its efficiency in teaching. The right to choose the principal and to have the teaching conducted by teachers appointed by

the management after an overall assessment of their outlook and philosophy is perhaps the most important facet of the right to administer an educational institution.”

21. H.R. Khanna, J. has adopted a still broader view that even selection of teachers is of great importance in the right to manage a school. Learned Judge has stated thus: (SCC p. 789, para 103)

“The selection and appointment of teachers for an educational institution is one of the essential ingredients of the right to manage an educational institution and the minorities can plainly be not denied such right of selection and appointment without infringing Article 30(1).”

22. Krishna Iyer, J. who dissented from the majority view in *Gandhi Faiz-E-Am College v. University of Agra* has, nevertheless, emphasised the importance of the post of the Principal in the following words: (SCC p. 293, para 21)

“21. An activist principal is an asset in discharging these duties which are inextricably interlaced with academic functions. The principal is an invaluable insider — the Management’s own choice — not an outsider answerable to the Vice-Chancellor. He brings into the work of the Managing Committee that intimate acquaintance with educational operations and that necessary expression of student-teacher aspirations and complaints which are so essential for the minority institution to achieve a happy marriage between individuality and excellence.”

23. Whatever is said about the importance of the post of Principal of a college vis-à-vis the administration of the institution would in pari materia apply to the Headmaster of a school with equal force.

24. If management of the school is not given very wide freedom to choose the personnel for holding such a key post, subject of course to the restrictions regarding qualifications to be prescribed by the State, the right to administer the school would get much diminished.”

(Emphasis supplied)

B) Decision in TMA Pai Foundation

30. A Bench of Eleven Judges was constituted to consider questions touching upon the rights of Minority Educational Institutions under Articles 29 and 30 of the Constitution. The reasons why the Bench of that strength was constituted were set out in brief in paragraph No.3 of the leading Judgment authored by Kirpal, C.J. as under:

“3. The hearing of these cases has had a chequered history. Writ Petition No. 350 of 1993 filed by the Islamic Academy of Education and connected petitions were placed before a Bench of five Judges. As the Bench was *prima facie* of the opinion that Article 30 did not clothe a minority educational institution with the power to adopt its own method of selection and the correctness of the decision of this Court in *St. Stephen’s College v. University of Delhi* was doubted, it was directed that the questions that arose should be authoritatively answered by a larger Bench. These cases were then placed before a Bench of seven Judges. The questions framed were recast and on 6-2-1997, the Court directed that the matter be placed before a Bench of at least eleven Judges, as it was felt that in view of the Forty-second Amendment to the Constitution, whereby “education” had been included in Entry 25 of List III of Seventh Schedule, the question of who would be regarded as a

“minority” was required to be considered because the earlier case-law related to the pre-amendment era, when education was only in the State List. When the cases came up for hearing before an eleven-Judge Bench, during the course of hearing on 19-3-1997, the following order was passed:

“Since a doubt has arisen during the course of our arguments as to whether this Bench would feel itself bound by the ratio propounded in — *Kerala Education Bill, 1957, In Re and Ahmedabad St. Xavier’s College Society v. State of Gujarat* it is clarified that this sized Bench would not feel itself inhibited by the views expressed in those cases since the present endeavour is to discern the true scope and interpretation of Article 30(1) of the Constitution, which being the dominant question would require examination in its pristine purity. The factum is recorded.”

31. The Bench framed 11 questions. For the present discussion we are principally concerned with discussion relevant to question Nos.4 and 5. Under heading- “3. *In case private institutions can be governmental regulations and if so, to what extent?*”, the discussion was under various sub-headings. The first sub-heading was “private unaided non-minority educational institutions”. Under this sub-heading para 50 of the leading Judgment enumerated what “the right to establish and administer” comprises of, as under:

“50. The right to establish and administer broadly comprises the following rights:
(a) to admit students;

- (b) to set up a reasonable fee structure;
- (c) to constitute a governing body;
- (d) to appoint staff (teaching and non-teaching);
and
- (e) to take action if there is dereliction of duty on
the part of any employees.”

The other sub-headings were “private unaided professional colleges”, “private aided professional institutions (non-minority)” and “other aided institutions”. Since the discussion under these sub-headings as well as the next heading does not strictly deal with the matter in the context of minority educational institutions, we may turn to the next heading “5. *To what extent can the rights of aided private minority institutions to administer be regulated?*”

31.1. After discussing about the extent of right under Article 30 of the Constitution, the leading Judgment considered all the relevant cases on the point. The following paragraphs are noteworthy:

“90. In the exercise of this right to conserve the language, script or culture, that section of the society can set up educational institutions. The right to establish and maintain educational institutions of its choice is a necessary concomitant to the right conferred by Article 30. The right under Article 30 is not absolute. Article 29(2) provides that, where any educational institution is maintained by the State or receives aid out of State funds, no citizen shall be denied admission on the grounds only of religion, race, caste, language or any of them. The use of the expression “any educational institution” in Article 29(2) would (*sic* not) refer to any educational

institution established by anyone, but which is maintained by the State or receives aid out of State funds. In other words, on a plain reading, State-maintained or aided educational institutions, whether established by the Government or the majority or a minority community cannot deny admission to a citizen on the grounds only of religion, race, caste or language.

93. Can Article 30(1) be so read as to mean that it contains an absolute right of the minorities, whether based on religion or language, to establish and administer educational institutions in any manner they desire, and without being obliged to comply with the provisions of any law? Does Article 30(1) give the religious or linguistic minorities a right to establish an educational institution that propagates religious or racial bigotry or ill will amongst the people? Can the right under Article 30(1) be so exercised that it is opposed to public morality or health? In the exercise of its right, would the minority while establishing educational institutions not be bound by town planning rules and regulations? Can they construct and maintain buildings in any manner they desire without complying with the provisions of the building bye-laws or health regulations?

... ..

105. In *Rev. Sidhajibhai Sabhai v. State of Bombay* this Court had to consider the validity of an order issued by the Government of Bombay whereby from the academic year 1955-56, 80% of the seats in the training colleges for teachers in non-government training colleges were to be reserved for the teachers nominated by the Government. The petitioners, who belonged to the minority community, were, *inter alia*, running a training college for teachers, as also primary schools. The said primary schools and college were conducted for the benefit of the religious denomination of the United Church of Northern India and Indian Christians generally, though admission was not denied to students belonging to other communities. The petitioners challenged the government order requiring 80% of the seats to be

filled by nominees of the Government, *inter alia*, on the ground that the petitioners were members of a religious denomination and that they constituted a religious minority, and that the educational institutions had been established primarily for the benefit of the Christian community. It was the case of the petitioners that the decision of the Government violated their fundamental rights guaranteed by Articles 30(1), 26(a), (b), (c) and (d), and 19(1)(f) and (g). While interpreting Article 30, it was observed by this Court at SCR pp. 849-50 as under:

“All minorities, linguistic or religious have by Article 30(1) an absolute right to establish and administer educational institutions of their choice; and any law or executive direction which seeks to infringe the substance of that right under Article 30(1) would to that extent be void. This, however, is not to say that it is not open to the State to impose regulations upon the exercise of this right. The fundamental freedom is to establish and to administer educational institutions: it is a right to establish and administer what are in truth educational institutions, institutions which cater to the educational needs of the citizens, or sections thereof. Regulation made in the true interests of efficiency of instruction, discipline, health, sanitation, morality, public order and the like may undoubtedly be imposed. Such regulations are not restrictions on the substance of the right which is guaranteed: they secure the proper functioning of the institution, in matters educational.”

106. While coming to the conclusion that the right of the private training colleges to admit students of their choice was severely restricted, this Court referred to the opinion in *Kerala Education Bill, 1957 case* but distinguished it by observing that the Court did not, in that case, lay down any test of reasonableness of the regulation. No general principle on which the reasonableness of a regulation may be tested was

sought to be laid down in *Kerala Education Bill, 1957 case* and, therefore, it was held in *Sidhajibhai Sabhai case* that the opinion in that case was not an authority for the proposition that all regulative measures, which were not destructive or annihilative of the character of the institution established by the minority, provided the regulations were in the national or public interest, were valid. In this connection it was further held at SCR pp. 856-57, as follows:

“The right established by Article 30(1) is a fundamental right declared in terms absolute. Unlike the fundamental freedoms guaranteed by Article 19, it is not subject to reasonable restrictions. It is intended to be a real right for the protection of the minorities in the matter of setting up of educational institutions of their own choice. The right is intended to be effective and is not to be whittled down by so-called regulative measures conceived in the interest not of the minority educational institution, but of the public or the nation as a whole. If every order which while maintaining the formal character of a minority institution destroys the power of administration is held justifiable because it is in the public or national interest, though not in its interest as an educational institution, the right guaranteed by Article 30(1) will be but a ‘teasing illusion’, a promise of unreality. Regulations which may lawfully be imposed either by legislative or executive action as a condition of receiving grant or of recognition must be directed to making the institution while retaining its character as a minority institution effective as an educational institution. Such regulation must satisfy a dual test — the test of reasonableness, and the test that it is regulative of the educational character of the institution and is conducive to making the institution an effective vehicle of education for the minority community or other persons who resort to it.”

107. The aforesaid decision does indicate that the right under Article 30(1) is not so absolute as to prevent the Government from making any regulation whatsoever. As already noted hereinabove, in *Sidhajibhai Sabhai case* it was laid down that regulations made in the true interests of efficiency of instruction, discipline, health, sanitation, morality and public order could be imposed. If this is so, it is difficult to appreciate how the Government can be prevented from framing regulations that are in the national interest, as it seems to be indicated in the passage quoted hereinabove. Any regulation framed in the national interest must necessarily apply to all educational institutions, whether run by the majority or the minority. Such a limitation must necessarily be read into Article 30. The right under Article 30(1) cannot be such as to override the national interest or to prevent the Government from framing regulations in that behalf. It is, of course, true that government regulations cannot destroy the minority character of the institution or make the right to establish and administer a mere illusion; but the right under Article 30 is not so absolute as to be above the law. It will further be seen that in *Sidhajibhai Sabhai case* no reference was made to Article 29(2) of the Constitution. This decision, therefore, cannot be an authority for the proposition canvassed before us.”

(Emphasis supplied)

31.2. The leading Judgment thereafter considered the decision of this Court in *Ahmedabad St. Xavier’s College*⁵, and while quoting certain passages therefrom, it was observed:

“119. In a concurrent judgment, while noting (at SCC p. 770, para 73) that “*clause (2) of Article 29 forbids the denial of admission to citizens into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them*”,

Khanna, J. then examined Article 30, and observed at SCR p. 222, as follows: (SCC p. 770, para 74)

“74. Clause (1) of Article 30 gives right to all minorities, whether based on religion or language, to establish and administer educational institutions of their choice. Analysing that clause it would follow that the right which has been conferred by the clause is on two types of minorities. Those minorities may be based either on religion or on language. The right conferred upon the said minorities is to establish and administer educational institutions of their choice. The word ‘establish’ indicates the right to bring into existence, while the right to administer an institution means the right to effectively manage and conduct the affairs of the institution. Administration connotes management of the affairs of the institution. The management must be free of control so that the founders or their nominees can mould the institution as they think fit and in accordance with their ideas of how the interest of the community in general and the institution in particular will be best served. The words ‘of their choice’ qualify the educational institutions and show that the educational institutions established and administered by the minorities need not be of some particular class; the minorities have the right and freedom to establish and administer such educational institutions as they choose. Clause (2) of Article 30 prevents the State from making discrimination in the matter of grant of aid to any educational institution on the ground that the institution is under the management of a minority, whether based on religion or language.”

120. Explaining the rationale behind Article 30, it was observed at SCR p. 224, as follows: (SCC p. 772, para 77)

“77. The idea of giving some special rights to the minorities is not to have a kind of a privileged or pampered section of the population but to give to the minorities a sense of security and a feeling of confidence. The great leaders of India since time immemorial had preached the doctrine of tolerance and catholicity of outlook. Those noble ideas were enshrined in the Constitution. Special rights for minorities were designed not to create inequality. Their real effect was to bring about equality by ensuring the preservation of the minority institutions and by guaranteeing to the minorities autonomy in the matter of the administration of those institutions. The differential treatment for the minorities by giving them special rights is intended to bring about an equilibrium, so that the ideal of equality may not be reduced to a mere abstract idea but should become a living reality and result in true, genuine equality, an equality not merely in theory but also in fact.”

121. While advocating that provisions of the Constitution should be construed according to the liberal, generous and sympathetic approach, and after considering the principles which could be discerned by him from the earlier decisions of this Court, Khanna, J., observed at SCR p. 234, as follows: (SCC p. 781, para 89)

“The minorities are as much children of the soil as the majority and the approach has been to ensure that nothing should be done as might deprive the minorities of a sense of belonging, of a feeling of security, of a consciousness of equality and of the awareness that the conservation of their religion, culture, language and script as also the protection of their educational institutions is a fundamental right enshrined in the Constitution. The same generous, liberal and sympathetic approach should weigh with the courts in construing

Articles 29 and 30 as marked the deliberations of the Constitution-makers in drafting those articles and making them part of the fundamental rights. The safeguarding of the interest of the minorities amongst sections of population is as important as the protection of the interest amongst individuals of persons who are below the age of majority or are otherwise suffering from some kind of infirmity. The Constitution and the laws made by civilized nations, therefore, generally contain provisions for the protection of those interests. It can, indeed, be said to be an index of the level of civilization and catholicity of a nation as to how far their minorities feel secure and are not subject to any discrimination or suppression.”

122. The learned Judge then observed that the right of the minorities to administer educational institutions did not prevent the making of reasonable regulations in respect of these institutions. Recognizing that the right to administer educational institutions could not include the right to maladminister, it was held that regulations could be lawfully imposed, for the receiving of grants and recognition, while permitting the institution to retain its character as a minority institution. The regulation “*must satisfy a dual test — the test of reasonableness, and the test that it is regulative of the educational character of the institution and is conducive to making the institution an effective vehicle of education for the minority community or other persons who resort to it*”. (SCC p. 783, para 92) It was permissible for the authorities to prescribe regulations, which must be complied with, before a minority institution could seek or retain affiliation and recognition. But it was also stated that the regulations made by the authority should not impinge upon the minority character of the institution. Therefore, a balance has to be kept between the two objectives — that of ensuring the standard of excellence of the institution, and that of preserving the right of the minorities to establish and administer their educational institutions. Regulations that embraced

and reconciled the two objectives could be considered to be reasonable. This, in our view, is the correct approach to the problem.

123. After referring to the earlier cases in relation to the appointment of teachers, it was noted by Khanna, J., that the conclusion which followed was that a law which interfered with a minority's choice of qualified teachers, or its disciplinary control over teachers and other members of the staff of the institution, was void, as it was violative of Article 30(1). While it was permissible for the State and its educational authorities to prescribe the qualifications of teachers, it was held that once the teachers possessing the requisite qualifications were selected by the minorities for their educational institutions, the State would have no right to veto the selection of those teachers. The selection and appointment of teachers for an educational institution was regarded as one of the essential ingredients under Article 30(1). The Court's attention was drawn to the fact that in *Kerala Education Bill, 1957 case* this Court had opined that clauses 11 and 12 made it obligatory for all aided schools to select teachers from a panel selected from each district by the Public Service Commission and that no teacher of an aided school could be dismissed, removed or reduced in rank without the previous sanction of the authorized officer. At SCC p. 792, Khanna, J., observed that in cases subsequent to the opinion in *Kerala Education Bill, 1957 case*⁹ this Court had held similar provisions as clause 11 and clause 12 to be violative of Article 30(1) (*sic* in the case) of the minority institutions. He then observed as follows: (SCC p. 792, para 109)

“The opinion expressed by this Court in *Re Kerala Education Bill, 1957* was of an advisory character and though great weight should be attached to it because of its persuasive value, the said opinion cannot override the opinion subsequently expressed by this Court in contested cases. It is the law declared by this Court in the subsequent contested cases which would have a binding

effect. The words ‘as at present advised’ as well as the preceding sentence indicate that the view expressed by this Court in *Re Kerala Education Bill, 1957* in this respect was hesitant and tentative and not a final view in the matter.”

(Emphasis supplied)

31.3. After considering all the decisions, the matter was summed up as under:

“135. We agree with the contention of the learned Solicitor-General that the Constitution in Part III does not contain or give any absolute right. All rights conferred in Part III of the Constitution are subject to at least other provisions of the said Part. It is difficult to comprehend that the framers of the Constitution would have given such an absolute right to the religious or linguistic minorities, which would enable them to establish and administer educational institutions in a manner so as to be in conflict with the other Parts of the Constitution. We find it difficult to accept that in the establishment and administration of educational institutions by the religious and linguistic minorities, no law of the land, even the Constitution, is to apply to them.

137. It follows from the aforesaid decisions that even though the words of Article 30(1) are unqualified, this Court has held that at least certain other laws of the land pertaining to health, morality and standards of education apply. The right under Article 30(1) has, therefore, not been held to be absolute or above other provisions of the law, and we reiterate the same. By the same analogy, there is no reason why regulations or conditions concerning, generally, the welfare of students and teachers should not be made applicable in order to provide a proper academic atmosphere, as such provisions do not in any way interfere with the right of administration or management under Article 30(1).

138. As we look at it, Article 30(1) is a sort of guarantee or assurance to the linguistic and religious

minority institutions of their right to establish and administer educational institutions of their choice. Secularism and equality being two of the basic features of the Constitution, Article 30(1) ensures protection to the linguistic and religious minorities, thereby preserving the secularism of the country. Furthermore, the principles of equality must necessarily apply to the enjoyment of such rights. No law can be framed that will discriminate against such minorities with regard to the establishment and administration of educational institutions vis-à-vis other educational institutions. Any law or rule or regulation that would put the educational institutions run by the minorities at a disadvantage when compared to the institutions run by the others will have to be struck down. At the same time, there also cannot be any reverse discrimination. It was observed in *St. Xavier's College case*⁵ at SCR p. 192 that : (SCC p. 743, para 9)

“The whole object of conferring the right on minorities under Article 30 is to ensure that there will be equality between the majority and the minority. If the minorities do not have such special protection they will be denied equality.”

In other words, the essence of Article 30(1) is to ensure equal treatment between the majority and the minority institutions. No one type or category of institution should be disfavoured or, for that matter, receive more favourable treatment than another. Laws of the land, including rules and regulations, must apply equally to the majority institutions as well as to the minority institutions. The minority institutions must be allowed to do what the non-minority institutions are permitted to do.

139. Like any other private unaided institutions, similar unaided educational institutions administered by linguistic or religious minorities are assured maximum autonomy in relation thereto; e.g. method of recruitment of teachers, charging of fees and

admission of students. They will have to comply with the conditions of recognition, which cannot be such as to whittle down the right under Article 30.”

(Emphasis supplied)

31.4. The matter was then considered in the context where aid was being received by the concerned minority institution and to what extent its autonomy in administration, could be curtailed or regulated. It was observed:

“144. It cannot be argued that no conditions can be imposed while giving aid to a minority institution. Whether it is an institution run by the majority or the minority, all conditions that have relevance to the proper utilization of the grant-in-aid by an educational institution can be imposed. All that Article 30(2) states is that on the ground that an institution is under the management of a minority, whether based on religion or language, grant of aid to that educational institution cannot be discriminated against, if other educational institutions are entitled to receive aid. The conditions for grant or non-grant of aid to educational institutions have to be uniformly applied, whether it is a majority-run institution or a minority-run institution. As in the case of a majority-run institution, the moment a minority institution obtains a grant of aid, Article 28 of the Constitution comes into play. When an educational institution is maintained out of State funds, no religious instruction can be provided therein. Article 28(1) does not state that it applies only to educational institutions that are not established or maintained by religious or linguistic minorities. Furthermore, upon the receipt of aid, the provisions of Article 28(3) would apply to all educational institutions whether run by the minorities or the non-minorities. Article 28(3) is the right of a person studying in a State-recognized institution or in an educational institution receiving aid from State funds, not to take part in any religious instruction, if imparted by such institution, without his/her consent

(or his/her guardian's consent if such a person is a minor). Just as Articles 28(1) and (3) become applicable the moment any educational institution takes aid, likewise, Article 29(2) would also be attracted and become applicable to an educational institution maintained by the State or receiving aid out of State funds. It was strenuously contended that the right to give admission is one of the essential ingredients of the right to administer conferred on the religious or linguistic minority, and that this right should not be curtailed in any manner. It is difficult to accept this contention. If Articles 28(1) and (3) apply to a minority institution that receives aid out of State funds, there is nothing in the language of Article 30 that would make the provisions of Article 29(2) inapplicable. Like Article 28(1) and Article 28(3), Article 29(2) refers to "*any educational institution maintained by the State or receiving aid out of State funds*". A minority institution would fall within the ambit of Article 29(2) in the same manner in which Article 28(1) and Article 28(3) would be applicable to an aided minority institution. It is true that one of the rights to administer an educational institution is to grant admission to the students. As long as an educational institution, whether belonging to the minority or the majority community, does not receive aid, it would, in our opinion, be its right and discretion to grant admission to such students as it chooses or selects subject to what has been clarified before. Out of the various rights that the minority institution has in the administration of the institution, Article 29(2) curtails the right to grant admission to a certain extent. By virtue of Article 29(2), no citizen can be denied admission by an aided minority institution on the grounds only of religion, race, caste, language or any of them. It is no doubt true that Article 29(2) does curtail one of the powers of the minority institution, but on receiving aid, some of the rights that an unaided minority institution has, are also curtailed by Articles 28(1) and 28(3). A minority educational institution has a right to impart religious instruction — this right is taken away by Article 28(1), if that minority institution is maintained wholly out of State funds. Similarly on receiving aid out of

State funds or on being recognized by the State, the absolute right of a minority institution requiring a student to attend religious instruction is curtailed by Article 28(3). If the curtailment of the right to administer a minority institution on receiving aid or being wholly maintained out of State funds as provided by Article 28 is valid, there is no reason why Article 29(2) should not be held to be applicable. There is nothing in the language of Articles 28(1) and (3), Article 29(2) and Article 30 to suggest that, on receiving aid, Articles 28(1) and (3) will apply, but Article 29(2) will not. Therefore, the contention that the institutions covered by Article 30 are outside the injunction of Article 29(2) cannot be accepted.

... ..

151. The right of the aided minority institution to preferably admit students of its community, when Article 29(2) was applicable, has been clarified by this Court over a decade ago in *St. Stephen's College case*. While upholding the procedure for admitting students, this Court also held that aided minority educational institutions were entitled to preferably admit their community candidates so as to maintain the minority character of the institution, and that the State may regulate the intake in this category with due regard to the area that the institution was intended to serve, but that this intake should not be more than 50% in any case. Thus, *St. Stephen's* endeavoured to strike a balance between the two articles. Though we accept the ratio of *St. Stephen's* which has held the field for over a decade, we have compelling reservations in accepting the rigid percentage stipulated therein. As Article 29 and Article 30 apply not only to institutions of higher education but also to schools, a ceiling of 50% would not be proper. It will be more appropriate that, depending upon the level of the institution, whether it be a primary or secondary or high school or a college, professional or otherwise, and on the population and educational needs of the area in which the institution is to be located, the State properly balances the interests of all by providing for such a percentage of students of the minority

community to be admitted, so as to adequately serve the interest of the community for which the institution was established.

152. At the same time, the admissions to aided institutions, whether awarded to minority or non-minority students, cannot be at the absolute sweet will and pleasure of the management of minority educational institutions. As the regulations to promote academic excellence and standards do not encroach upon the guaranteed rights under Article 30, the aided minority educational institutions can be required to observe *inter se* merit amongst the eligible minority applicants and passage of common entrance test by the candidates, where there is one, with regard to admissions in professional and non-professional colleges. If there is no such test, a rational method of assessing comparative merit has to be evolved. As regards the non-minority segment, admission may be on the basis of the common entrance test and counselling by a State agency. In the courses for which such a test and counselling are not in vogue, admission can be on the basis of relevant criteria for the determination of merit. It would be open to the State authorities to insist on allocating a certain percentage of seats to those belonging to weaker sections of society, from amongst the non-minority seats.”

(Emphasis supplied)

31.5. Finally, as regards Question No.5(c), the leading judgment gave its answer as under:-

“Q. 5. (c) Whether the statutory provisions which regulate the facets of administration like control over educational agencies, control over governing bodies, conditions of affiliation including recognition/withdrawal thereof, and appointment of staff, employees, teachers and principals including their service conditions and regulation of fees, etc.

would interfere with the right of administration of minorities?

A. So far as the statutory provisions regulating the facets of administration are concerned, in case of an unaided minority educational institution, the regulatory measure of control should be minimal and the conditions of recognition as well as the conditions of affiliation to a university or board have to be complied with, but in the matter of day-to-day management, like the appointment of staff, teaching and non-teaching, and administrative control over them, the management should have the freedom and there should not be any external controlling agency. However, a rational procedure for the selection of teaching staff and for taking disciplinary action has to be evolved by the management itself.

For redressing the grievances of employees of aided and unaided institutions who are subjected to punishment or termination from service, a mechanism will have to be evolved, and in our opinion, appropriate tribunals could be constituted, and till then, such tribunals could be presided over by a judicial officer of the rank of District Judge.

The State or other controlling authorities, however, can always prescribe the minimum qualification, experience and other conditions bearing on the merit of an individual for being appointed as a teacher or a principal of any educational institution.

“Regulations can be framed governing service conditions for teaching and other staff for whom aid is provided by the State, without interfering with the overall administrative control of the management over the staff.

Fees to be charged by unaided institutions cannot be regulated but no institution should charge capitation fee.”

C) Decisions after TMA Pai Foundation

32. In ***Brahmo Samaj Education Society vs. State of West Bengal***²⁴,

a Bench of two Judges dealt with the issue that arose as under:-

“5. The main question for consideration is, whether the appointment of teachers through the selection of the College Service Commission is permissible or not, in other words, to decipher the role of the State in the matter of appointment of teachers. To establish *and administer* an educational institution is held to be a right coming under Article 19(1)(g) of the Constitution as enunciated in *T.M.A. Pai Foundation v. State of Karnataka*⁸. According to Article 19(6) of the Constitution, the right to establish and maintain an educational institution is subject to the reasonable restrictions imposed by the State in the interest of general public. At the same time, subject to public order, morality and health, every religious denomination or any section thereof can establish *and maintain* educational institutions under Article 26(a) of the Constitution. Reading Article 19(1)(g) and Article 26(a) of the Constitution together, the petitioners have a right to establish and maintain educational institutions and hence we do not think it is necessary to decide the issue of minority/denominational status of Brahmo Samaj to decide the issue in hand. In our view, this issue does not arise in the context of the present case.

6. The question now before us is to decide whether the appointment of teachers in an aided institution by the College Service Commission by restricting the petitioners’ right to appointment is a reasonable restriction in the interest of general public or not. The petitioners have a right to establish and administer educational institution. Merely because the petitioners are receiving aid, their autonomy of administration cannot be totally restricted and institutions cannot be treated as a government-owned one. Of course the State can impose such conditions as are necessary for the proper maintenance of standards of education and

24 (2004) 6 SCC 224

to check maladministration. It is stated in *T.M.A. Pai*⁸ that:

“71. While giving aid to professional institutions, it would be permissible for the authority giving aid to prescribe by rules or regulations, the conditions on the basis of which admission will be granted to different aided colleges by virtue of merit, coupled with the reservation policy of the State. The merit may be determined either through a common entrance test conducted by the university or the Government followed by counselling, or on the basis of an entrance test conducted by individual institutions — the method to be followed is for the university or the Government to decide. The authority may also devise other means to ensure that admission is granted to an aided professional institution on the basis of merit. In the case of such institutions, it will be permissible for the Government or the university to provide that consideration should be shown to the weaker sections of the society. (SCC at p. 550, para 71)

72. Once aid is granted to a private professional educational institution, the Government or the State agency, as a condition of the grant of aid, can put fetters on the freedom in the matter of administration and management of the institution. The State, which gives aid to an educational institution, can impose such conditions as are necessary for the proper maintenance of the high standards of education as the financial burden is shared by the State. The State would also be under an obligation to protect the interest of the teaching and non-teaching staff. In many States, there are various statutory provisions to regulate the functioning of such educational institutions where the States give, as a grant or aid, a substantial proportion of the revenue

expenditure including salary, pay and allowances of teaching and non-teaching staff. It would be its responsibility to ensure that the teachers working in those institutions are governed by proper service conditions. The State, in the case of such aided institutions, has ample power to regulate the method of selection and appointment of teachers after prescribing requisite qualifications for the same. Ever since in *Kerala Education Bill, 1957, Re*⁹ this Court has upheld, in the case of aided institutions, those regulations that served the interests of students and teachers. Checks on the administration may be necessary in order to ensure that the administration is efficient and sound and will serve the academic needs of the institutions. In other words, rules and regulations that promote good administration and prevent maladministration can be formulated so as to promote the efficiency of teachers, discipline and fairness in administration and to preserve harmony among affiliated institutions. At the same time it has to be ensured that even an aided institution does not become a government-owned and controlled institution. Normally, the aid that is granted is relatable to the pay and allowances of the teaching staff. In addition, the management of the private aided institutions has to incur revenue and capital expenses. Such aided institutions cannot obtain that extent of autonomy in relation to management and administration as would be available to a private unaided institution, but at the same time, it cannot also be treated as an educational institution departmentally run by Government or as a wholly owned and controlled government institution and interfere with constitution of the governing bodies or thrusting the staff without reference to management.

73. There are a large number of educational institutions, like schools and non-professional

colleges, which cannot operate without the support of aid from the State. Although these institutions may have been established by philanthropists or other public-spirited persons, it becomes necessary, in order to provide inexpensive education to the students, to seek aid from the State. In such cases, as those of the professional aided institutions referred to hereinabove, the Government would be entitled to make regulations relating to the terms and conditions of employment of the teaching and non-teaching staff whenever the aid for the posts is given by the State as well as admission procedures. Such rules and regulations can also provide for the reasons and the manner in which a teacher or any other member of the staff can be removed. In other words, the autonomy of a private aided institution would be less than that of an unaided institution.

... ..

10. When a larger Bench consisting of eleven Judges of this Court in *T.M.A. Pai* has declared what the law on the matter is, we do not want to dilute the effect of the same by analysing various statements made therein or indulge in any dissection of the principles underlying it. We would rather state that the State Government shall take note of the declarations of law made by this Court in this regard and make suitable amendments to their laws, rules and regulations to bring them in conformity with the principles set out therein.”

33. In *P.A. Inamdar and others v. State of Maharashtra and others*²⁵

a Bench of Seven Judges of this Court culled out the issues which arose for its consideration as under:

25 (2005) 6 SCC 537

“26. These matters have been directed to be placed for hearing before a Bench of seven Judges under orders of the Chief Justice of India pursuant to the order dated 15-7-2004 in *P.A. Inamdar v. State of Maharashtra*²⁶ and order dated 29-7-2004 in *Pushpagiri Medical Society v. State of Kerala*²⁷. The aggrieved persons before us are again classifiable in one class, that is, unaided minority and non-minority institutions imparting professional education. The issues arising for decision before us are only three:

(i) the fixation of “quota” of admissions/students in respect of unaided professional institutions;

(ii) the holding of examinations for admissions to such colleges, that is, who will hold the entrance tests; and

(iii) the fee structure.

The questions spelled out by orders of reference

27. In the light of the two orders of reference, referred to hereinabove, we propose to confine our discussion to the questions set out hereunder which, according to us, arise for decision:

(1) To what extent can the State regulate admissions made by unaided (minority or non-minority) educational institutions? Can the State enforce its policy of reservation and/or appropriate to itself any quota in admissions to such institutions?

(2) Whether unaided (minority and non-minority) educational institutions are free to devise their own admission procedure or whether the direction made in *Islamic Academy*²⁸ for compulsorily holding an entrance test by the State or association of institutions and to choose therefrom the students entitled to

26 (2004) 8 SCC 139

27 (2004) 8 SCC 135

28 (2003) 6 SCC 697

admission in such institutions, can be sustained in light of the law laid down in *Pai Foundation*?

(3) Whether *Islamic Academy* could have issued guidelines in the matter of regulating the fee payable by the students to the educational institutions?

(4) Can the admission procedure and fee structure be regulated or taken over by the Committees ordered to be constituted by *Islamic Academy*?”

33.1. While dealing with real purpose of Article 30 of the Constitution, it was stated:-

“70. The real purpose of Article 30 is to prevent discrimination against members of the minority community and to place them on an equal footing with non-minority. Reverse discrimination was not the intention of Article 30. If running of educational institutions cannot be said to be at a higher plane than the right to carry on any other business, reasonable restrictions similar to those placed on the right to carry on business can be placed on educational institutions conducting professional courses. For the purpose of these restrictions both minorities and non-minorities can be treated at par and there would not be any violation of Article 30(1), which guarantees only protection against oppression and discrimination of the minority from the majority. Activities of education being essentially charitable in nature, the educational institutions both of a non-minority and minority character can be regulated and controlled so that they do not indulge in selling seats of learning to make money. They can be allowed to generate such funds as would be reasonably required to run the institute and for its further growth.”

(Emphasis supplied)

33.2 The discussion shows that the matter was considered in the context of the rights of unaided institutions and not with regard to “minority educational institutions receiving State aid” as is evident from para No.123 of the decision. Para No.103 of the decision shows that minority educational institutions were classified in three categories and para No.104 onwards points difference between professional and non-professional educational institutions. Paragraph Nos.104 to 107 were as under:

“Difference between professional and non-professional educational institutions

104. Article 30(1) speaks of “educational institutions” generally and so does Article 29(2). These articles do not draw any distinction between an educational institution dispensing theological education or professional or non-professional education. However, the terrain of thought as has developed through successive judicial pronouncements culminating in *Pai Foundation* is that looking at the concept of education, in the backdrop of the constitutional provisions, professional educational institutions constitute a class by themselves as distinguished from educational institutions imparting non-professional education. It is not necessary for us to go deep into this aspect of the issue posed before us inasmuch as *Pai Foundation* has clarified that merit and excellence assume special significance in the context of professional studies. Though merit and excellence are not anathema to non-professional education, yet at that level and due to the nature of education which is more general, the need for merit and excellence therein is not of the degree as is called for in the context of professional education.

105. Dealing with unaided minority educational institutions, *Pai Foundation*⁸ holds that Article 30

does not come in the way of the State stepping in for the purpose of securing transparency and recognition of merit in the matter of admissions. Regulatory measures for ensuring educational standards and maintaining excellence thereof are no anathema to the protection conferred by Article 30(1). However, a distinction is to be drawn between unaided minority educational institution of the level of schools and undergraduate colleges on the one side and institutions of higher education, in particular, those imparting professional education, on the other side. In the former, the scope for merit-based selection is practically nil and hence may not call for regulation. But in the case of the latter, transparency and merit have to be unavoidably taken care of and cannot be compromised. There could be regulatory measures for ensuring educational standards and maintaining excellence thereof. (See para 161, answer to Question 4, in *Pai Foundation*.) The source of this distinction between two types of educational institutions referred to hereinabove is to be found in the principle that right to administer does not include a right to maladminister.

106. S.B. Sinha, J. has, in his separate opinion in *Islamic Academy* described (in para 199) the situation as a pyramid-like situation and suggested the right of minority to be read along with the fundamental duty. Higher the level of education, lesser are the seats and higher weighs the consideration for merit. It will, necessarily, call for more State intervention and lesser say for the minority.

107 Educational institutions imparting higher education i.e. graduate level and above and in particular specialised education such as technical or professional, constitute a separate class. While embarking upon resolving issues of constitutional significance, where the letter of the Constitution is not clear, we have to keep in view the spirit of the Constitution, as spelt out by its entire scheme. Education aimed at imparting professional or technical qualifications stands on a different footing from other educational instruction. Apart from other

provisions, Article 19(6) is a clear indicator and so are clauses (h) and (j) of Article 51-A. Education up to the undergraduate level aims at imparting knowledge just to enrich the mind and shape the personality of a student. Graduate-level study is a doorway to admissions in educational institutions imparting professional or technical or other higher education and, therefore, at that level, the considerations akin to those relevant for professional or technical educational institutions step in and become relevant. This is in the national interest and strengthening the national wealth, education included. Education up to the undergraduate level on the one hand and education at the graduate and postgraduate levels and in professional and technical institutions on the other are to be treated on different levels inviting not identical considerations, is a proposition not open to any more debate after *Pai Foundation*. A number of legislations occupying the field of education whose constitutional validity has been tested and accepted suggest that while recognition or affiliation may not be a must for education up to undergraduate level or, even if required, may be granted as a matter of routine, recognition or affiliation is a must and subject to rigorous scrutiny when it comes to educational institutions awarding degrees, graduate or postgraduate, postgraduate diplomas and degrees in technical or professional disciplines. Some such legislations are found referred in paras 81 and 82 of S.B. Sinha, J.'s opinion in *Islamic Academy*."

34. In *Kanya Junior High School, Bal Vidya Mandir, Etah, U.P. v. U.P. Basic Shiksha Parishad, Allahabd, U.P. and others*²⁹ one of the issues that arose was whether the school established and administered by individuals professing – Jain Religion could be said to be a Religious Minority Educational Institution in the State of U.P. It was concluded by

29 (2006) 11 SCC 92

this Court that since the school was recognised as a Minority Educational Institution by the Division Bench of the High Court of Judicature at Allahabad, it could not be denied that status and as such before terminating the services of a teacher, prior approval of the District Basic Education Officer was not necessary.

35. In *Secretary, Malankara Syrian Catholic College v. T. Jose and others*⁶ the principal question that arose for consideration was whether right to choose a Principal is part of the right of a minority institution under Article 30(1) of the Constitution. This Court considered the relevant decisions on the point and also quoted para No.16 of the decision of this Court in *Frank Anthony Public School case*¹⁷. The general principles relevant to establishment and administration of educational institutions by minorities were summed up as under:-

“19. The general principles relating to establishment and administration of educational institution by minorities may be summarised thus:

(i) The right of minorities to establish and administer educational institutions of their choice comprises the following rights:

(a) to choose its governing body in whom the founders of the institution have faith and confidence to conduct and manage the affairs of the institution;

(b) to appoint teaching staff (teachers/lecturers and Headmasters/Principals) as also non-teaching staff, and to take action if there is dereliction of duty on the part of any of its employees;

(c) to admit eligible students of their choice and to set up a reasonable fee structure;

(d) to use its properties and assets for the benefit of the institution.

(ii) The right conferred on minorities under Article 30 is only to ensure equality with the majority and not intended to place the minorities in a more advantageous position vis-à-vis the majority. There is no reverse discrimination in favour of minorities. The general laws of the land relating to national interest, national security, social welfare, public order, morality, health, sanitation, taxation, etc. applicable to all, will equally apply to minority institutions also.

(iii) The right to establish and administer educational institutions is not absolute. Nor does it include the right to maladminister. There can be regulatory measures for ensuring educational character and standards and maintaining academic excellence. There can be checks on administration as are necessary to ensure that the administration is efficient and sound, so as to serve the academic needs of the institution. Regulations made by the State concerning generally the welfare of students and teachers, regulations laying down eligibility criteria and qualifications for appointment, as also conditions of service of employees (both teaching and non-teaching), regulations to prevent exploitation or oppression of employees, and regulations prescribing syllabus and curriculum of study fall under this category. Such regulations do not in any manner interfere with the right under Article 30(1).

(iv) Subject to the eligibility conditions/qualifications prescribed by the State being met, the unaided minority educational institutions will have the

freedom to appoint teachers/lecturers by adopting any rational procedure of selection.

(v) Extension of aid by the State does not alter the nature and character of the minority educational institution. Conditions can be imposed by the State to ensure proper utilisation of the aid, without however diluting or abridging the right under Article 30(1).

... ..

21. We may also recapitulate the extent of regulation by the State, permissible in respect of employees of minority educational institutions receiving aid from the State, as clarified and crystallised in *T.M.A. Pai*. The State can prescribe:

(i) the minimum qualifications, experience and other criteria bearing on merit, for making appointments,

(ii) the service conditions of employees without interfering with the overall administrative control by the management over the staff,

(iii) a mechanism for redressal of the grievances of the employees,

(iv) the conditions for the proper utilisation of the aid by the educational institutions, without abridging or diluting the right to establish and administer educational institutions.

In other words, all laws made by the State to regulate the administration of educational institutions and grant of aid will apply to minority educational institutions also. But if any such regulations interfere with the overall administrative control by the management over the staff, or abridges/dilutes, in any other manner, the right to establish and administer educational institutions, such regulations, to that extent, will be inapplicable to minority institutions.”

35.1 As regards freedom to choose the principal, it was observed:-

22. The Principal or Headmaster of an educational institution is responsible for the functional efficiency of the institution, as also the quality of education and discipline in the institution. He is also responsible for maintaining the philosophy and objects of the institution.

35.2 It also relied upon the passage from the decision of this Court in *N.*

*Ammad*²³, as under:-

25. In *N. Ammad* the appellant contended that he being the seniormost graduate teacher of an aided minority school, he should be appointed as the Headmaster and none else. He relied on Rule 44-A of the Kerala Education Rules which provided that appointment of Headmaster shall ordinarily be according to seniority from the seniority list prepared and maintained under clauses (a) and (b) of Rule 34. This Court held: (SCC p. 680, paras 18-19)

“18. Selection and appointment of Headmaster in a school (or Principal of a college) are of prime importance in administration of that educational institution. The Headmaster is the key post in the running of the school. He is the hub on which all the spokes of the school are set around whom they rotate to generate result. A school is personified through its Headmaster and he is the focal point on which outsiders look at the school. A bad Headmaster can spoil the entire institution, an efficient and honest Headmaster can improve it by leaps and bounds. The functional efficacy of a school very much depends upon the efficiency and dedication of its Headmaster. This pristine precept remains unchanged despite many changes taking place in the structural patterns of education over the years.

19. How important is the post of Headmaster of a school has been pithily stated by a Full Bench of the Kerala High Court in *Aldo Maria Patroni v. E.C. Kesavan*³⁰. Chief Justice M.S. Menon has, in a style which is inimitable, stated thus:

‘The post of the headmaster is of pivotal importance in the life of a school. Around him wheels the tone and temper of the institution; on him depends the continuity of its traditions, the maintenance of discipline and the efficiency of its teaching. The right to choose the headmaster is perhaps the most important facet of the right to administer a school, and we must hold that the imposition of any trammel thereon—except to the extent of prescribing the requisite qualifications and experience—cannot but be considered as a violation of the right guaranteed by Article 30(1) of the Constitution. To hold otherwise will be to make the right “a teasing illusion, a promise of unreality”.’

Thereafter, this Court concluded that the management of minority institution is free to find out a qualified person either from the staff of the same institution or from outside, to fill up the vacancy; and that the management’s right to choose a qualified person as the Headmaster of the school is well insulated by the protective cover of Article 30(1) of the Constitution and it cannot be chiselled out through any legislative act or executive rule except for fixing up the qualifications and conditions of service for the post; and that any such statutory or executive fiat would be violative of the fundamental right enshrined in Article 30(1) and would therefore be void. This Court further observed that if the management of the school is not

30 AIR 1965 Ker 75 : 1964 KLT 791 (FB)

given the wide freedom to choose the person for holding the key post of Principal subject, of course, to the restriction regarding qualifications to be prescribed by the State, the right to administer the school would get much diminished.

35.3 It was, thereafter, concluded:-

“27. It is thus clear that the freedom to choose the person to be appointed as Principal has always been recognised as a vital facet of the right to administer the educational institution. This has not been, in any way, diluted or altered by *T.M.A. Pai*. Having regard to the key role played by the Principal in the management and administration of the educational institution, there can be no doubt that the right to choose the Principal is an important part of the right of administration and even if the institution is aided, there can be no interference with the said right. The fact that the post of the Principal/Headmaster is also covered by State aid will make no difference.”

36. In *Sindhi Education Society and another v. Chief Secretary, Government of NCT of Delhi and others*⁷ a Bench of two Judges of this Court considered *inter alia* whether under Rule 64(1)(b) of the Delhi School Education Rules, 1973, instructions could be issued to fill in the posts of teachers in an aided Minority Educational Institution in accordance with the policy of reservation by candidates from the categories of Scheduled Casts and Scheduled Tribes. The ratio of the cases decided by this Court in *Re: The Kerala Education Bill, 1957*⁹ and in *Ahmedabad St. Xaviers' College*⁵ was considered as under:

“46. In the said case, the Court held that right of the minorities to some extent was restricted in the sense that general control still could be exercised by the authorities concerned, but in accordance with law. That is how Clause 11 of the Bill, which has been very heavily relied upon by the respondents before us, completely puts an embargo on the appointment of teachers of their choice and the teachers could only be appointed out of the panel selected by the Public Service Commission. This clause was held not to be in violation of the Constitution, but Clauses 14 and 15, which related to taking over of the management of an aided school for the conditions stipulated therein, were held to be unconstitutional and bad. This was in view of the law stated under the Bill and its scheme that weighed with the Court to record the findings aforenoticed.

47. Still another seven-Judge Bench of this Court, in *Ahmedabad St. Xavier’s College Society*⁵ was primarily concerned with the scope of Articles 29 and 30 of the Constitution, relating to the rights of minorities to impart general education and applicability of the concept of affiliation to such institutions. Of course, the Court held that there was no fundamental right of a minority institution to get affiliation from a university. When a minority institution applies to a university to be affiliated, it expresses its choice to participate in the system of general education and courses of instructions prescribed by that university, and it agrees to follow the uniform courses of study. Therefore, measures which will regulate the courses of study, the qualifications and appointment of teachers, the conditions of employment of teachers, the health, hygiene of students and the other facilities are germane to affiliation of minority institutions.

36.1 In the context of the decision in *TMA Pai Foundation*⁸, it was observed:

“55. The respondents have placed reliance upon the law stated by the Bench that any regulation framed in the national interest must necessarily apply to all educational institutions, whether run by majority or the minority. Such a limitation must be read into Article 30. The rule under Article 30(1) cannot be such as to override the national interest or to prevent the Government from framing regulations in that behalf. It is, of course, true that government regulations cannot destroy the minority character of the institution or make a right to establish and administer a mere illusion; but the right under Article 30 is not so absolute as to be above the law.

56. The appellant also seeks to derive benefit from the view that the courts have also held that the right to administer is not absolute and is subject to reasonable regulations for the benefit of the institutions as the vehicle of education consistent with the national interest. Such general laws of the land would also be applicable to the minority institutions as well. There is no reason why regulations or conditions concerning generally the welfare of the students and teachers should not be made applicable in order to provide a proper academic atmosphere. As such, the provisions do not, in any way, interfere with the right of administration or management under Article 30(1). Any law, rule or regulation, that would put the educational institutions run by the minorities at a disadvantage, when compared to the institutions run by the others, will have to be struck down. At the same time, there may not be any reverse discrimination.

91. In *T.M.A. Pai case*⁸ the right to establish an institution is provided. The Court held that the right to establish an institution is provided in Article 19(1)(g) of the Constitution. Such right, however, is subject to reasonable restriction, which may be brought about in terms of clause (6) thereof. Further, that minority, whether based on religion or language, however, has a fundamental right to establish and administer educational institution of its own choice under Article 30(1).

92. The right under clause (1) of Article 30 is not absolute but subject to reasonable restrictions which, inter alia, may be framed having regard to the public interest and national interest of the country. Regulation can also be framed to prevent maladministration as well as for laying down standards of education, teaching, maintenance of discipline, public order, health, morality, etc. It is also well settled that a minority institution does not cease to be so, the moment grant-in-aid is received by the institution. An aided minority educational institution, therefore, would be entitled to have the right of admission of students belonging to the minority group and, at the same time, would be required to admit a reasonable extent of non-minority students, to the extent, that the right in Article 30(1) is not substantially impaired and further, the citizen's right under Article 29(2) is not infringed."

36.2 While considering the amplitude of the Rule in question, it was observed:

"101. To appoint a teacher is part of the regular administration and management of the school. Of course, what should be the qualification or eligibility criteria for a teacher to be appointed can be defined and, in fact, has been defined by the Government of NCT of Delhi and within those specified parameters, the right of a linguistic minority institution to appoint a teacher cannot be interfered with. The paramount feature of the above laws was to bring efficiency and excellence in the field of school education and, therefore, it is expected of the minority institutions to select the best teacher to the faculty. To provide and enforce any regulation, which will practically defeat this purpose would have to be avoided. A linguistic minority is entitled to conserve its language and culture by a constitutional mandate. Thus, it must select people who satisfy the prescribed criteria,

qualification and eligibility and at the same time ensure better cultural and linguistic compatibility to the minority institution.

112. Every linguistic minority may have its own social, economic and cultural limitations. It has a constitutional right to conserve such culture and language. Thus, it would have a right to choose teachers, who possess the eligibility and qualifications, as provided, without really being impressed by the fact of their religion and community. Its own limitations may not permit, for cultural, economic or other good reasons, to induct teachers from a particular class or community. The direction, as contemplated under Rule 64(1)(b), could be enforced against the general or majority category of the government-aided schools but, it may not be appropriate to enforce such condition against linguistic minority schools. This may amount to interference with their right of choice and, at the same time, may dilute their character of linguistic minority. It would be impermissible in law to bring such actions under the cover of equality which in fact, would diminish the very essence of their character or status. Linguistic and cultural compatibility can be legitimately claimed as one of the desirable features of a linguistic minority in relation to selection of eligible and qualified teachers.”

36.3 It was also observed that despite Rule 64(1)(b), a circular was issued on 21.03.1986 exempting Minority Institutions from complying with the requirements of said Rule; and that the subsequent insistence through circular of September 1989 did not disclose any reason for such departure and it was, therefore, observed:

“117. Thus, the framework of reservation policy should be such, as to fit in within the constitutional scheme of our democracy. As and when the

Government changes its policy decision, it is expected to give valid reasons and act in the larger interest of the entire community rather than a section thereof. In its wisdom and apparently in accordance with law the Government had taken a policy decision and issued the Circular dated 21-3-1986 exempting the minority institutions from complying with the requirements of Rule 64(1)(b) of the DSE Rules. Despite this and the judgment of the High Court there was a change of mind by the State that resulted in issuance of the subsequent Circular of September 1989. From the record before us, no reasons have been recorded in support of the decision superseding the Circular dated 21-3-1986.”

36.4 In the aforesaid circumstances, the appeal was allowed and it was held that Rule 64(1)(b) and the circular of 1989 would not be enforceable against Linguistic Minority Schools in the NCT of Delhi.

37. In *Chandana Das (Malakar) vs. State of West Bengal and others*³¹ the question that arose was set out in para 6 as under:-

6.whether the Institution’s right to select and appoint teachers is in any way affected by the provisions of the Rules of Management of Recognised Non-Government Institutions (Aided and Unaided), 1969 framed under the provisions of the West Bengal Board of Secondary Education Act, 1963?”

In terms of Rule 28 teachers on permanent or temporary basis, against permanent or temporary vacancies, could be appointed only on the recommendation of the *West Bengal Regional School Service*

31 (2015) 12 SCC 140

*Commission*³². However, according to Rule 33, on the application by any institution to which the provisions of Articles 26 and 30 of the Constitution apply, rules could be framed by the State Government. According to the State, the concerned institution had never claimed minority status and was never recognised as minority institution. Reliance was also placed on Rule 8(3) of the Rules for Management of Recognised Non-Government Institutions (Aided and Unaided), 1969 whereunder permission for special constitution was granted to the institution and, therefore, it was submitted that having accepted the special constitution, it could not turn around and contend that it was a minority institution as per special rules framed in terms of Rule 33.

37.1 There was disagreement between the Judges constituting the Bench. According to Thakur, J, as the learned Chief Justice then was, since the institution was set up by Punjabi speaking Sikh community, a linguistic minority in the State, the mechanism provided for making appointments under Rule 28 had no application to minority educational institutions for whom there could be special dispensation under Rule 33. During the course of his Judgment, Thakur, J. observed:-

“21. It is unnecessary to multiply decisions on the subject for the legal position is well settled. Linguistic

32 Constituted in forms of 1997 Act – as dealt with in para 6 hereinabove.

institution and religious are entitled to establish and administer their institutions. Such right of administration includes the right of appointing teachers of its choice but does not denude the State of its power to frame regulations that may prescribe the conditions of eligibility for appointment of such teachers. The regulations can also prescribe measures to ensure that the institution is run efficiently for the right to administer does not include the right to maladministration. While grant-in-aid is not included in the guarantee contained in the Constitution to linguistic and religious minorities for establishing and running their educational institutions, such grant cannot be denied to such institutions only because the institutions are established by linguistic or religious minority. Grant of aid cannot, however, be made subservient to conditions which deprive the institution of their substantive right of administering such institutions. Suffice it to say that once Respondent 4 Institution is held to be a minority institution entitled to the protection of Articles 26 and 30 of the Constitution of India the right to appoint teachers of its choice who satisfy the conditions of eligibility prescribed for such appointments under the relevant rules is implicit in their rights to administer such institutions. Such rights cannot then be diluted by the State or its functionaries insisting that the appointment should be made only with the approval of the Director or by following the mechanism generally prescribed for institutions that do not enjoy the minority status.”

(Emphasis supplied)

37.2 Banumathi, J., however, found that the concerned institution had never claimed to be a minority institution and had, in fact, accepted the special constitution in terms of Rule 8 (3). It was, therefore, observed:-

“52. The fourth respondent school has accepted the special constitution and it has not chosen to challenge the same. As rightly held by the High Court, when the fourth respondent school has accepted the special

constitution and has not claimed to be a minority institution, the appellants who are merely employees of such an institution, cannot contend that the institution was a minority institution entitled to appoint its own teachers.”

37.3 Because of the disagreement, the matter was directed to be placed before a Bench of three Judges of this Court, which has since then rendered its decision on 25.09.2019³³. It was noted that Rule 32 specifically declared that nothing in the concerned Rules would apply to an educational institution established and administered by a minority referred to in clause (c) of Section 2 of the West Bengal Minorities’ Commission Act, 1996, which had, in turn, defined expression “*minority*” to mean a community based on religion such as Muslim, Christian, Sikh, Buddhist, or Zoroastrian (Parsee). As regards the first question, it was, therefore, observed in paragraphs 17 to 20 that the Institution was a minority educational institution. It was also considered whether declaration as to status of the minority institution by the competent authority was necessary before the institution could claim the status of being a minority institution. Both the issues which had led to disagreement between two Judges were thus, squarely answered and the decision of Thakur, J. was accepted to be the correct view on both counts.

33 Reported in **2019 SCC OnLine SC 1253** [Chandana Das (Malakar) vs. State of West Bengal and others]

37.4 During the course of its discussion, this Court also considered the decision in *Ahmedabad St. Xavier's College*⁵ case and observed:-

“30. A reading of the aforesaid judgment would leave no manner of doubt that if Respondent No. 4 is a minority institution, Rule 28 of the Rules for Management of Recognized Non-Government Institutions (Aided and Unaided) 1969, cannot possibly apply as there would be a serious infraction of the right of Respondent No. 4 to administer the institution with teachers of its choice.”

DISCUSSION AND CONCLUSION

38. In the backdrop of the decisions of this Court referred to hereinabove, we must now consider whether the relevant provisions of the Commission Act transgress upon the rights of a minority institution or said provisions can be termed as “tenable as ensuring the excellence of the institution without injuring the essence of the right”³⁴ of a minority institution. Right from *Re: The Kerala Education Bill*⁹ Case the issue that has engaged the attention of this Court is about the content of rights of minority educational institution and the extent and width of applicability of regulations and what can be said to be permissible regulations. If the cases in the first segment i.e. upto the decision in *TMA Pai Foundation*⁸ are considered, the following principles emerge:-

34 Expression used by Krishna Iyer J. in the Gandhi Faiz – e-am College case¹³

A) In **Re: The Kerala Education Bill**⁹ Case, Clause 11(2) in terms of which the State Public Services Commission was empowered to select candidates for appointment as teachers in Government and aided schools, was found to be a permissible regulation. It was observed that such provision, *inter alia*, was applicable to all educational institutions and was designed to give protection and security to the teachers engaged in rendering service to the nation.

B) The decision in **Sidhajibhai Sabhai**¹⁰, however, observed, “*Unlike Art. 19, the fundamental freedom under clause (1) of Art. 30, is absolute in terms; it is not made subject to any reasonable restrictions of the nature the fundamental freedoms enunciated in Art. 19 may be subjected to.*” It went on to add “*Regulation made in the true interests of efficiency of instruction, discipline, health, sanitation, morality, public order and the like may undoubtedly be imposed.*” It read the decision in **Re: The Kerala Education Bill**⁹ case as “*not an authority for the proposition submitted by the Additional Solicitor General that all regulative measures which are not destructive or annihilative of the character of the institution established by the minority, provided the regulations are in the national or public interest, are valid.*” It however laid down a test - “*Such regulation must satisfy a dual test - the test of reasonableness, and the test that it is regulative of the educational character of the institution and is conducive to making the*

institution an effective vehicle of education for the minority community or other persons who resort to it.”

C) (i) In **Ahmedabad St. Xavier’s College**⁵ case, while considering the importance of teachers in an educational institution, Ray C.J. in his leading judgment observed, “*The minority institutions have the right to administer institutions. This right implies the obligation and duty of the minority institutions to render the very best to the students. In the right of administration, checks and balances in the shape of regulatory measures are required to ensure the appointment of good teachers and their conditions of service.*” It was further stated that “*regulations which will serve the interests of the teachers are of paramount importance in good administration.*”

(ii) According to Khanna, J., “*The regulations have necessarily to be made in the interest of the institution as a minority educational institution. They have to be so designed as to make it an effective vehicle for imparting education.*”; and “*Regulations made in the true interests of efficiency of instruction, discipline, health, sanitation, morality, public order and the like may undoubtedly be imposed.*” A word of caution was also expressed while observing, “*The minority institutions cannot be allowed to fall below the standards of excellence expected of educational institutions, or under the guise of exclusive right of management, to decline*

to follow the general pattern. While the management must be left to them, they may be compelled to keep in step with others.”

Khanna, J. then laid down “*Balance has, therefore, to be kept between the two objectives, that of ensuring the standard of excellence of the institution and that of preserving the right of the minorities to establish and administer their educational institutions. Regulations which embrace and reconcile the two objectives can be considered to be reasonable.”*;

(iii) Mathew, J. however stated, “*The question whether a regulation is in the general interest of the public has no relevance, if it does not advance the excellence of the institution as a vehicle for general secular education as, ex hypothesi, the only permissible regulations are those which secure the effectiveness of the purpose of the facility, namely, the excellence of the educational institutions in respect of their educational standards. This is the reason why this Court has time and again said that the question whether a particular regulation is calculated to advance the general public interest is of no consequence if it is not conducive to the interests of the minority community and those persons who resort to it.”*

D) In ***Gandhi Faiz-e-am College***¹³, Krishna Iyer, J. found “*In our case autonomy is virtually left intact and refurbishing, not restructuring, is prescribed. The core of the right is not gouged out at all and the regulation*

is at once reasonable and calculated to promote excellence of the institution — a text book instance of constitutional conditions.” The regulation was, however, not found to be permissible by Mathew, J.

E) In ***Frank Anthony Public School***¹⁷ case, it was emphasized, “*The excellence of the instruction provided by an institution would depend directly on the excellence of the teaching staff, and in turn, that would depend on the quality and the contentment of the teachers.*”

39. We now turn to ***TMA Pai Foundation***⁸ case and consider the principles that it laid down and whether there was reiteration of the principles laid down in the decisions of this Court in the earlier segment or whether there was any change or shift in the emphasis.

A) In para 50, five incidents were stated to comprise the “*right to establish and administer*” and three of them were stated to be :-

- (a) right to admit students;
- (b) right to appoint staff – teaching and non-teaching; and
- (c) right to take disciplinary action against the staff.

The discussion in the leading judgment was under various headings and the important one being “5. *To what extent can the rights of aided private minority institutions to administer be regulated?*”

B) The earlier decisions of the Court were considered and while considering the judgment of this Court in ***Sidhajibhai Sabhai***¹⁰ case it was observed:-

“If this is so, it is difficult to appreciate how the Government can be prevented from framing regulations that are in the national interest, as it seems to be indicated in the passage quoted hereinabove. Any regulation framed in the national interest must necessarily apply to all educational institutions, whether run by the majority or the minority. Such a limitation must necessarily be read into Article 30. The right under Article 30(1) cannot be such as to override the national interest or to prevent the Government from framing regulations in that behalf. It is, of course, true that government regulations cannot destroy the minority character of the institution or make the right to establish and administer a mere illusion; but the right under Article 30 is not so absolute as to be above the law.”

C) Thus, the principle laid down in ***Sidhajibhai Sabhai***¹⁰ that the right under Article 30(1) cannot be whittled down by so-called regulative measures conceived in the interest not of the minority educational institution, but of the public or the nation as a whole was not accepted in ***TMA Pai Foundation***⁸. The emphasis was clear that any regulation framed in the national interest must necessarily apply to all educational institutions, whether run by the majority or the minority and put the matter beyond any doubt. A caveat was however entered and it was stated that the

Government regulations cannot destroy the minority character of the institution.

D) The leading judgment then observed that the correct approach would be - what was laid down by Khanna, J. in **Ahmedabad St. Xavier's College**⁵ case:-

“A balance has to be kept between the two objectives — that of ensuring the standard of excellence of the institution, and that of preserving the right of the minorities to establish and administer their educational institutions. Regulations that embraced and reconciled the two objectives could be considered to be reasonable. This, in our view, is the correct approach to the problem.”

E) The majority judgment then summed up the matter and stated:-

“It is difficult to comprehend that the framers of the Constitution would have given such an absolute right to the religious or linguistic minorities, which would enable them to establish and administer educational institutions in a manner so as to be in conflict with the other Parts of the Constitution.

137. The right under Article 30(1) has, therefore, not been held to be absolute or above other provisions of the law, and we reiterate the same. By the same analogy, there is no reason why regulations or conditions concerning, generally, the welfare of students and teachers should not be made applicable in order to provide a proper academic atmosphere, as such provisions do not in any way interfere with the right of administration or management under Article 30(1).”

It was further laid down :-

“In other words, the essence of Article 30(1) is to ensure equal treatment between the majority and the minority institutions. Laws of the land, including rules and regulations, must apply equally to the majority institutions as well as to the minority institutions.”

40. The decision in ***TMA Pai Foundation***⁸, rendered by Eleven Judges of this Court, thus put the matter beyond any doubt and clarified that the right under Article 30(1) is not absolute or above the law and that conditions concerning the welfare of the students and teachers must apply in order to provide proper academic atmosphere, so long as the conditions did not interfere with the right of the administration or management. What was accepted as correct approach was the test laid down by Khanna, J. in ***Ahmedabad St. Xavier’s College***⁵ case that a balance be kept between two objectives - one to ensure the standard of excellence of the institution and the other preserving the right of the minorities to establish and administer their educational institutions. The essence of Article 30(1) was also stated – *“to ensure equal treatment between the majority and the minority institutions”* and that rules and regulations would apply equally to the majority institutions as well as to the minority institutions.

41. The decisions of this Court rendered after ***TMA Pai Foundation***⁸ case, may now be considered.

A) In *Brahmo Samaj Education Society*²⁴, the argument that the appointment of teachers through College Service Commission would maintain equal standard of education for all throughout the State was not accepted and it was observed that the equal standards would be maintained by insistence on qualifying tests or examinations. This Court, however, did not consider whether the Rules in question were valid or not and left it to the authorities to bring the rules and regulations in conformity with the principles laid down in *TMA Pai Foundation*⁸. It may be stated here that a review petition has since then been allowed and the matter now stands referred to a Constitution Bench.³⁵

B) The decision of this Court in *P.A. Inamdar*²⁵ was not directly concerned with the rights of the minority educational institutions receiving aid. It, however, dealt with the matter regarding admission of students in unaided professional educational institutions and observed that the admission of students in minority unaided professional educational institutions must also be governed on the basis of merit. It thus did not accept the right to admit students to be an unqualified right inhering in a minority professional educational institution. The discussion in that case shows that the admissions based on merit in professional educational

35 As observed in para 41 of Chandana Das – (2019) SCC Online SC 1253

institutions were found to be in the national interest and strengthening the national welfare.

(C) ***Malankara Syrian Catholic College***⁶ was concerned with selection and appointment of a Principal in an unaided minority educational institution. It was stated in para 19 that the right conferred on minorities under Article 30 was only to ensure equality with majority and was not intended to place the minorities in a more advantageous position vis-à-vis the majority and that there was no reverse discrimination in favour of minorities and that the general laws of the land relating to national interest, would equally apply to minority institutions. It was also observed that the Principal or Headmaster of any educational institution would be responsible for functional efficiency of the institution and also for the quality of education and discipline in the educational institutions as well as maintaining the philosophy and objects of the institution. On that premise, the right to choose a Principal was accepted to be part of the right of a minority educational institution. It also relied upon the decision in *N. Ammad*²³ case which in turn had relied upon the Full Bench decision of the Kerala High Court. It was, therefore, stated that the power to choose a Headmaster was always recognised as an important facet of the right to the administer the educational institutions.

(D) ***Sindhi Education Society***⁷ was concerned with the issue whether instructions could be issued to fill up the posts of teachers in an unaided minority institution in accordance with the principles and policy of reservation. The concerned rules empowered the authority to issue such instructions. However, a Circular was issued on 21.03.1986 exempting minority institutions from complying with the said Rule. The subsequent insistence through Circular of September, 1989, which did not disclose any reason for departure was not held to be enforceable. The discussion in the case undoubtedly deals with the issue whether the minority educational institutions have a right to choose persons to be appointed as teachers and could there be any regulations and could that right be in any way affected by regulations. However, in the context of a Linguistic Minority Schools it was observed that such institutions must have a right to select the best teachers who not only satisfy the prescribed criteria, qualification and eligibility but also ensure better cultural and linguistic compatibility. Since, the candidates nominated in terms of powers conferred by Rule 64(1)(b) and the instructions issued in Circular of September, 1989 would not satisfy such requirements and ensure compatibility, the appeal was allowed.

(E) In ***Chandana Das***³¹, the principal issue was whether the concerned institution was a minority institution or not. On that issue, there was a disagreement between two Judges of this Court and the matter was referred to a Bench of three Judges which accepted the view of Thakur, J. and held that the institution was a minority educational institution³³. The issue arose in the context whether recommendations of the West Bengal School Service Commission as regards appointments of teachers against permanent or temporary vacancies could be validly issued in so far as a minority educational institution was concerned. It may be stated that in terms of Section 15 of 1997 Act, nothing in that Act would apply to “*a School established and administered by a minority whether based on religion or language*” and as such the recommendations of the West Bengal School Service Commission could never apply to a minority institutions. Once the view taken by Thakur, J. was accepted and it was held that the institution was a minority institution, by virtue of said Section 15, the West Bengal School Commission could not be competent to issue any direction.

45. Thus, going by the decision of eleven Judges of this Court in ***TMA Pai Foundation***⁸, so long as the principles laid down therein (as culled out in para 40 hereinabove) are satisfied, it is permissible if any regulations seek to ensure the standard of excellence of the institutions while

preserving the right of the minorities to establish and administer their educational institutions.

Out of five incidents which constitute “the right to establish and administer” an educational institution as noted in para 50 of the leading judgment in *TMA Pai Foundation*⁸, the right to admit students has not been considered to be an absolute and an unqualified right. The decision in *P.A. Inamdar*²⁵ shows that in professional educational institutions or those imparting higher education, merit based selection has been taken to be in the interest of the nation and subserving and strengthening the national welfare. Selection of meritorious students has been accepted to be in the national interest. A minority institution cannot in the name of right under Article 30(1) of the Constitution, disregard merit or merit-based selection of students as regards professional and higher education. The right to take disciplinary action against the staff has also not been accepted to be an unqualified right. *TMA Pai Foundation*⁸ itself lays down that even in an unaided minority educational institution, a mechanism must be evolved and appropriate Tribunal must be constituted to consider the grievances and till then the Tribunals could be presided over by a judicial officer of the rank of a District Judge. To that extent, there was a definite departure from the law laid down in *Ahmedabad St. Xavier’s College*⁵ case which

had struck down Sections 51-A and 52-A of the Gujrat University Act, 1949.

46. When it comes to the right to appoint teachers, in terms of law laid down in ***TMA Pai Foundation***⁸ a regulation framed in the national interest must necessarily apply to all institutions regardless whether they are run by majority or minority as the essence of Article 30(1) is to ensure equal treatment between the majority and minority institutions. An objection can certainly be raised if an unfavourable treatment is meted out to an educational institution established and administered by minority. But if ensuring of excellence in educational institutions is the underlying principle behind a regulatory regime and the mechanism of selection of teachers is so designed to achieve excellence in institutions, the matter may stand on a completely different footing.

47. The test accepted in ***TMA Pai Foundation***⁸, and the balance between two objectives can well be considered in the context of two categories of institutions; *one* imparting education which is directly aimed at or dealing with preservation and protection of the heritage, culture, script and special characteristics of a religious or a linguistic minority; while the *second* category of institutions could be those which are

imparting what is commonly known as secular education. When it comes to the institutions in the former category, the teachers who believe in the religious ideology or in the special characteristics of the concerned minority would alone be able to imbibe in the students admitted in such educational institutions, what the minorities would like to preserve, profess and propagate. But, if the subjects in the curriculum are purely secular in character, that, is to say, subjects like Arithmetic, Algebra, Physics, Chemistry or Geography, the intent must be to impart education availing the best possible teachers. In the *first* category, maximum latitude may be given to the managements of the concerned minority institutions as they would normally be considered to be the best judges of what would help them in protecting and preserving the heritage, culture, script or such special features or characteristics of the concerned minorities. However, when it comes to the *second* category of institutions, the governing criteria must be to see to it that the most conducive atmosphere is put in place where the institution achieves excellence and imparts best possible education.

48. As laid down in the leading judgment in *Ahmedabad St. Xavier's College*⁵ case, regulations which will serve the interest of the students so also regulations which will serve the interest of the teachers are of

paramount importance in good administration; that regulations in the interest of efficiency of teachers are necessary for preserving harmony amongst the institutions; and that the appointment of teachers is an important part in educational institutions. It is quite natural that qualitatively better teachers will ensure imparting of education of the highest standard and will help in achieving excellence. As accepted in ***Frank Anthony Public School***¹⁷ case, the excellence of the instruction provided by an institution would depend directly on the excellence of the teaching staff and would in turn depend *inter alia* on the quality of teachers.

49. Thus, if the intent is to achieve excellence in education, would it be enough if the concerned educational institutions were to employ teachers with minimum requisite qualifications in the name of exercise of Right under Article 30 of the Constitution, while better qualified teachers are available to impart education in the second category of institutions as stated hereinabove. For example, if the qualifying percentile index for a teacher to be appointed in an educational institution, considering his educational qualifications, experience and research, is required to be 50, and if teachers possessing qualifications far greater and higher than this basic index are available, will it be proper exercise for a minority

educational institution to select teachers with lower index disregarding those who are better qualified? Will that subserve pursuit of excellence in education? One can understand if under the regulatory regime candidates who are otherwise less qualified are being nominated in the minority educational institution and the minority educational institution is forced to accept such less meritorious candidates in preference to better qualified candidates. In such cases, the minority educational institution can certainly be within its rights to agitate the issue and claim a right to choose better teachers. But if the candidates who are selected and nominated under the regulatory regime to impart education which is purely secular in character, are better qualified, would the minority institution be within its rights to reject such nomination only in the name of exercise of a right of choice? The choice so exercised would not be in pursuit of excellence. Can such choice then be accepted?

If the right is taken to be absolute and unqualified, then certainly such choice must be recognised and accepted. But, if the right has not been accepted to be absolute and unqualified and the national interest must always permeate and apply, the excellence and merit must be the governing criteria. Any departure from the concept of merit and excellence would not make a minority educational institution an effective vehicle to achieve

what has been contemplated in various decisions of this Court. Further, if merit is not the sole and governing criteria, the minority institutions may lag behind the non-minority institutions rather than keep in step with them.

Going back to the example given above, as against index of 50 i.e. the minimum qualifying index, if a candidate nominated under the regulatory regime is at an index of 85, selection by a minority educational institution of a candidate at an index 55 may certainly be above the minimum qualifying mark, but in preference to the one at the index of 85 who is otherwise available, the appointment of a person at the index level of 55, will never give the requisite impetus to achieve excellence. A meritorious candidate at the index level of 85 in the above example, if given the requisite posting will not only help in upholding the principle of merit but will in turn generate an atmosphere of qualitative progress and sense of achievement commensurate with societal objectives and ideology and such posting will, therefore, be in true national interest.

50. At the cost of repetition, it needs to be clarified that if the minority institution has a better candidate available than the one nominated under a regulatory regime, the institution would certainly be within its rights to reject the nomination made by the authorities but if the person nominated for imparting education is otherwise better qualified and suitable, any

rejection of such nomination by the minority institution would never help such institution in achieving excellence and as such, any such rejection would not be within the true scope of the Right protected under Article 30(1) of the Constitution.

51. With these basic principles in mind, we may now consider the statutory provisions under which the teachers could be nominated under the Commission Act and see whether the concerned regulations help in achieving excellence or whether those provisions are violative of the Rights of the minority institutions.

52. In terms of Section 4 of the Commission Act, the Commission is to consist of a Chairman and four Members. The Chairman of the Commission has to be an eminent educationist having profound knowledge in Islamic Culture and must be well versed in education with teaching experience *inter alia* as a teacher of a University or as a Principal of a college, for a period of not less than twelve years. It is true that the latter part of Section 4(ii) speaks of an officer of the State Government not below the rank of Joint Secretary who could also be appointed as the Chairman of the Commission. But in our view, considering the nature of duties that the Chairman is to discharge, even an officer of the State Government has to be a person with profound knowledge in Islamic

Culture. Apart from the Chairman, there are four Members who are to be appointed in terms of Section 4(iii) of the Commission Act. Out of these four Members, one has to be an eminent educationist having profound knowledge in Islamic Theology and Culture, while the other two Members must have teaching experience *inter alia* as a teacher of a University, or a Principal of a College for a period of not less than ten years. The fourth member could be a non-educationist, but he must have held the position of eminence in public life or in Legal or Administrative Service. Predominant composition of the Commission is thus of educationists and two of them have to be persons with profound knowledge in Islamic Culture and Islamic Theology. The provisions of the Commission Act are thus specially designed for Madrasahs and Madrasah Education System in the State. Rule 8 of the 2010 Rules stipulates fair and transparent process of merit based selection and the statutory mechanism would ensure that only those teachers would be selected who would be best suited to impart education in Madrasah Education System. The State Legislature has taken care to see that the composition of the Commission would ensure compatability of the teachers who would be selected to impart education in Madrasah Education System, which is also emphasized in the Statement of Objects and Reasons.

53. It is true that the recommendations or nominations of teachers made by the Commission are otherwise binding on the Managing Committees of concerned Madrasahs, but, in terms of second proviso to Section 10 of the Commission Act, if there be any error, it is open to the Managing Committee of the concerned Madrasah to bring it to the notice of the Commission for removal of such error. The concept of ‘error’ as contemplated must also include cases where the concerned Madrasah could appoint a better qualified teacher than the one nominated by the Commission. If any such error is pointed out, the Commission will certainly have to rectify and remove the error. The further protection is afforded by Section 12 of the Commission Act, under which the concerned Madrasah could be within its rights to refuse to issue appointment letter to the candidate recommended by the Commission if any better qualified candidate is otherwise available with the managing committee of the concerned Madrasah. Such refusal may also come within the expression ‘any reasonable ground’ as contemplated in Section 12(i) of the Act.

The legislature has thus taken due care that the interest of a minority institution will always be taken care of by ensuring that i) in normal circumstances, the best qualified and suitable candidates will be nominated by the Commission; ii) and in case there be any error on part of the Commission, the concerned Managing Committee could not only point out

the error which would then be rectified by the Commission but the Managing Committee may also be within its rights in terms of Section 12 (i) to refuse the nomination on a reasonable ground.

54. The regime put in place by the State legislature thus ensures that the Commission comprising of experts in the field would screen the talent all across the State; will adopt a fair selection procedure and select the best available talent purely on merit basis; and even while nominating, the interest of the minority institution will also be given due weightage and taken care of. The statutory provisions thus seek to achieve ‘excellence’ in education and also seek to promote the interest of the minority institutions. The provisions satisfy the test as culled out in the decision of this Court in ***TMA Pai Foundation***⁸ case.

55. In our considered view going by the principles laid down in the decision in ***TMA Pai Foundation case***⁸, the concerned provisions cannot, therefore, be said to be transgressing the rights of the minority institutions. The selection of the teachers and their nomination by the Commission constituted under the provisions of the Commission Act would satisfy the national interest as well as the interest of the minority educational

institutions and said provisions are not violative of the rights of the minority educational institutions.

56. The aforesaid conclusions have been arrived at by us in keeping with the principles laid down by this Court in *TMA Pai Foundation*⁸ case.

We are aware that in *Brahmo Samaj Education Society*²⁴, *Sindhi Education Society*⁷ and *Chandana Das (Malakar)*³³, decided after *TMA Pai Foundation*⁸, this Court had also dealt with the question whether the concerned authorities could validly nominate teachers to be appointed in minority educational institutions. *Brahmo Samaj Education Society*²⁴ did not specifically deal with the question whether rules were valid or not and left it to the authorities to bring the rules and regulations in conformity with the principles in *TMA Pai Foundation*⁸ case. *Sindhi Education Society*⁷ dealt with the issue in the context of reservation. It also found that the teachers nominated by the concerned authorities would not be compatible to teach in educational institutions run by linguistic minorities. In *Chandana Das (Malakar)*³³ the basic issue was whether the concerned institution was a minority institution or not. *Sindhi Education Society*⁷ and *Chandana Das (Malakar)*³³ dealt with statutory regimes which did not have any special features or matters concerning compatibility of teachers

which could be required going by the special characteristics of the minority educational institutions. However, the additional feature in the present matter shows that the composition of the Commission with special emphasis on persons having profound knowledge in Islamic Culture and Theology, would ensure that the special needs and requirements of minority educational institutions will always be taken care of and thus the present case stands on a different footing.

We, therefore, have no hesitation in going by the test culled out in the *TMA Pai Foundation*⁸ and hold that the provisions of the Commission Act are not violative of the rights of the minority educational institutions on any count.

57. In the premises, while allowing these appeals, we set aside the view taken by the Single Judge and the Division Bench of the High Court and dismiss Writ Petition No.20650(W) of 2013 and other connected matters. We also hold Sections 8, 10, 11 and 12 of the Commission Act to be valid and constitutional.

58. In the end, we declare all nominations made by the Commission in pursuance of the provisions of the Commission Act to be valid and

operative. However, if after the disposal of the matters by the High Court any appointments are made by the concerned Madarshas, such appointments of teachers shall be deemed to be valid for all purposes. But the Commission shall hereafter be competent to select and nominate teachers to various Madarshas in accordance with the provisions of the Commission Act and the Rules framed thereunder.

59. With the aforesaid observations these appeals are allowed. No separate orders are required to be passed in respect of Writ Petitions and contempt petitions which stand disposed of in terms of declaration as above. No orders as to costs.

.....J.
[Arun Mishra]

.....J.
[Uday Umesh Lalit]

New Delhi;
January 6, 2020.

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/INHERENT JURISDICTION**

CONTEMPT PETITION (CIVIL) NO. 352 OF 2022

IN

CIVIL APPEAL NO. 5808 OF 2017

SNEHASIS GIRI AND ORS.

...APPELLANT(S)

VERSUS

SUBHASIS MITRA

...RESPONDENT(S)

WITH

Conmt. Pet. (C) No. 513/2022; Conmt. Pet. (C) ____/2023 [@Diary No(s). 26444/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 26491/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 26494/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 28769/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31083/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31438/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 30666/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 30680/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 26487/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 26469/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 26467/2022]; Conmt. Pet. (C) No. 514/2022; Conmt. Pet. (C) No. 515/2022; Conmt. Pet. (C) No. 498/2022; Conmt. Pet. (C) No. 516/2022; Conmt. Pet. (C) No. 517/2022; Conmt. Pet. (C) ____/2023 [@Diary No(s). 26462/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 26464/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 30663/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31670/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31780/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 32494/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 32497/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 32506/2022]; Conmt. Pet. (C)

____/2023 [@Diary No(s). 32511/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 33710/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 33736/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 34013/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 34060/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 34065/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 34253/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 34296/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 34340/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 32500/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 32502/2022]; Conmt. Pet. (C) No. 353/2022; Conmt. Pet. (C) No. 354/2022; Conmt. Pet. (C) No. 355/2022; Conmt. Pet. (C) No. 364/2022; Conmt. Pet. (C) No. 365/2022; Conmt. Pet. (C) No. 366/2022; Conmt. Pet. (C) No. 367/2022; Conmt. Pet. (C) No. 368/2022; Conmt. Pet. (C) No. 369/2022; Conmt. Pet. (C) No. 370/2022; Conmt. Pet. (C) No. 371/2022; Conmt. Pet. (C) No. 372/2022; Conmt. Pet. (C) No. 373/2022; Conmt. Pet. (C) No. 374/2022; Conmt. Pet. (C) No. 494/2022; Conmt. Pet. (C) No. 512/2022; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31442/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31472/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31569/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31622/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 31674/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 32505/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 39408/2022]; Conmt. Pet. (C) No. 360/2022; Conmt. Pet. (C) No. 361/2022; Conmt. Pet. (C) No. 362/2022; Conmt. Pet. (C) No. 363/2022; Conmt. Pet. (C) No. 375/2022; Conmt. Pet. (C) No. 376/2022; Conmt. Pet. (C) No. 377/2022; Conmt. Pet. (C) No. 503/2022; Conmt. Pet. (C) No. 504/2022; Conmt. Pet. (C) No. 505/2022; Conmt. Pet. (C) No. 506/2022; Conmt. Pet. (C) No. 507/2022; Conmt. Pet. (C) No. 508/2022; Conmt. Pet. (C) No. 509/2022; Conmt. Pet. (C) No. 378/2022; Conmt. Pet. (C) No. 379/2022; Conmt. Pet. (C) No. 380/2022; Conmt. Pet. (C) No. 495/2022; Conmt. Pet. (C) No. 496/2022; Conmt. Pet. (C) No. 497/2022; Conmt. Pet. (C) No. 499/2022; Conmt. Pet. (C) No. 500/2022; Conmt. Pet. (C) No. 501/2022; Conmt. Pet. (C) No. 502/2022; Conmt. Pet. (C) No. 510/2022; Conmt. Pet. (C) No. 511/2022; Conmt. Pet. (C) ____/2023 [@Diary No(s). 40504/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 42287/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 35108/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 35111/2022]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 557/2023]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 811/2023]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 1615/2023]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 3030/2023]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 3235/2023]; Conmt. Pet. (C) ____/2023 [@Diary No(s). 3480/2023]; Civil Appeal No. ____/2023 [@SLP (C) No. 3352/2021]

J U D G M E N T

S. RAVINDRA BHAT, J.

1. Leave granted in SLP(C) No. 3352 of 2021. Permission to file Contempt Petitions in Civil Appeal No. 5808/ 2017 is granted. These are taken along with the remaining above-mentioned Contempt Petitions.

2. This order will dispose of several contempt petitions which complained of willful and deliberate violation of judgment of this Court in *Shaikh Md. Rafique v. Managing Committee, Conti Rahamania High Madrasah & Ors*¹. This court had to consider the correctness of the view expressed by the Calcutta High Court which held that some provisions of the West Bengal Madrasa Service Commission Act, 2008 (hereafter, "the Act") was unconstitutional. Those provisions regulated the process of appointment of teachers in aided Madrasas which were recognized as minority institutions. This court recorded its finding that the provisions in question, i.e., Sections 8, 10, 11 & 12 of the Act were valid and constitutional. At the same time the court was conscious that some appointments were made by the *madrasas* during the pendency of the appeals and held as follows:

“58. In the end, we declare all nominations made by the Commission in pursuance of the provisions of the Commission Act to be valid and operative. However, if after the disposal of the matters by the High Court any appointments are made by the concerned Madarshas, such appointments of teachers shall be deemed to be valid for all purposes. But the Commission shall hereafter be competent to select and nominate teachers to various Madarshas in accordance with the provisions of the Commission Act and the Rules framed thereunder.”

3. All the petitioners argued that even during the pendency of the proceedings in appeal, contempt proceedings had been drawn seeking release of salaries of teachers who were appointed after the provisions of the Act were declared unconstitutional by the High Court. The petitioners advert to interim

1 2020 (6) SCC 689

orders dated 10.05.2016, 01.08.2016, 17.05.2018, directing that those recruited or working during the pendency of the proceedings ought to be paid salary. It is argued that the effect of the judgement is that even while upholding the provisions of the Act, the court at the same time protected the recruitment of the petitioners. In these circumstances, denial of the benefit of regular service to them on one pretext or the other by the respondent contemnors amounts to deliberate and willful disregard of the Act, and calls for appropriate stringent action.

4. After notice was issued in this contempt proceedings and considering the submissions of the parties, this Court had on 12.07.2022 directed the respondents (alleged contemnors) to consider and verify the claims of the petitioners to examine whether they were legal and valid and release appropriate amounts. The subsequent order of 23.02.2022 had observed that the terms of the final judgement of this court, especially para 58 disclosed that benefits were not confined and relief not granted only to the parties to the litigation but that the directions had the effect of in rem adjudication. The court therefore directed the respondent contemnors to verify from the record with respect to entitlement of all petitioners. The contempt petitioners in their response urged that there are express directions of this court to release salaries of the contempt petitioners without insisting on verifying genuineness of their claims of being teaching/non-teaching staff or having requisite qualifications as required by law. It is also pointed out that this Court was conscious that several appointments had been made which were either irregular or unsustainable having regard to the norms applicable. In this regard the respondent/alleged contemnors relied upon the order dated 07.05.2018 to submit that in that order, the court had unequivocally recorded that no equity would be created on the arrangements made in the stop gap arrangement which would be subject to the final orders in the civil appeals.

5. The respondents also argued that the judgement of this court – i.e. in the directions contained in paragraph 58 - nowhere contained an express direction

to release salary in favour of anyone including the contempt petitioners without insisting upon verification of their claims of their being teaching/non-teaching staff or their having requisite qualification as prescribed by law. It is further submitted that even if the petitioners rely upon earlier interim orders, those were only for release of salary subject to eligibility and verification as per law. The respondents have relied upon the judgement of this court in *Sudhir Vasudeva v. M. George Ravishekar*², to submit that the court exercising contempt jurisdiction cannot traverse beyond the four corners of the judgement or order alleged to have been flouted or examine questions which have not been dealt with or decided in the judgement of which violation is alleged. It is argued that all that this court did in the final judgement was to hold appointments of individuals made during the pendency of the appeals and the High Court judgement valid. The context of the judgement was the applicability of provisions of the Act. However, that did not mean that other statutory conditions such as qualifications, recognition or otherwise of the *madrasa* concerned; its eligibility for grant-in-aid; the qualifications held by the candidate at the time of appointment; existence of vacancies and the manner in which the selection took place, etc. could not be considered. The alleged contemnors relied upon the recruitment rules in this regard which prescribed the manner of recruitment such as publication of employment notification; the roster of vacancies; staffing pattern; whether the institution is eligible and admitted to aid or not.

6. As noted earlier, the judgement of the High Court in the appeal had declared unconstitutional certain provisions of the Act. This court, in its judgement set aside those findings of the High Court regarding validity of the Act. Consequently, the provisions of the Act were held to be valid and binding. The Act sought to regulate appointments to various institutions covered by it, including the *madrasas* in West Bengal. This court upheld the provisions of the Act after examining the relevant details and *inter alia* held as follows:

2 (2014) 3 SCC 373

“54. The regime put in place by the State legislature thus ensures that the Commission comprising of experts in the field would screen the talent all across the State; will adopt a fair selection procedure and select the best available talent purely on merit basis; and even while nominating, the interest of the minority institution will also be given due weightage and taken care of. The statutory provisions thus seek to achieve ‘excellence’ in education and also seek to promote the interest of the minority institutions. The provisions satisfy the test as culled out in the decision of this Court in TMA Pai Foundation case.

55. In our considered view going by the principles laid down in the decision in TMA Pai Foundation case, the concerned provisions cannot, therefore, be said to be transgressing the rights of the minority institutions. The selection of the teachers and their nomination by the Commission constituted under the provisions of the Commission Act would satisfy the national interest as well as the interest of the minority educational institutions and said provisions are not violative of the rights of the minority educational institutions.

56. The aforesaid conclusions have been arrived at by us in keeping with the principles laid down by this Court in TMA Pai Foundation case.

We are aware that in Brahmo Samaj Education Society, Sindhi Education Society and Chandana Das (Malakar), decided after TMA Pai Foundation, this Court had also dealt with the question whether the concerned authorities could validly nominate teachers to be appointed in minority educational institutions. Brahmo Samaj Education Society did not specifically deal with the question whether rules were valid or not and left it to the authorities to bring the rules and regulations in conformity with the principles in TMA Pai Foundation case. Sindhi Education Society dealt with the issue in the context of reservation. It also found that the teachers nominated by the concerned authorities would not be compatible to teach in educational institutions run by linguistic minorities. In Chandana Das (Malakar) the basic issue was whether the concerned institution was a minority institution or not. Sindhi Education Society and Chandana Das (Malakar) dealt with statutory regimes which did not have any special features or matters concerning compatibility of teachers which could be required going by the special characteristics of the minority educational institutions. However, the additional feature in the present matter shows that the composition of the Commission with special emphasis on persons having profound knowledge in Islamic Culture and Theology, would ensure that the special needs and requirements of minority educational institutions will always be taken care of and thus the present case stands on a different footing.

We, therefore, have no hesitation in going by the test culled out in the TMA Pai Foundation and hold that the provisions of the Commission Act are not violative of the rights of the minority educational institutions on any count.”

7. In Para 58, the court declared the nominations by the Commission in pursuance of the provisions of the Act as valid, and the appointments made, after disposal of the matters by the High Court as deemed to be valid for all purpose. However, there is no discussion with respect to whether the court had applied its mind as to how the *madrasas* had proceeded to appoint teachers as teaching/non-teaching staff. Also there is no discussion regarding rules/regulations, applicable circulars and guidelines in terms of which aided and unaided recognized institutions could make appointments, having regard to the standard of education required and the requisite experience; whether a transparent method was followed; whether the *madrasa* concerned was recognized one or not; whether the committee or body selecting the individual was constituted in accordance with the rules and regulations, etc. The argument of the respondent/alleged contemnors that there ought to be an exercise of verification, therefore, appears to be merited and substantial.

8. In these circumstances, given the nature of the interim orders made during the pendency of the appeal, there can be no doubt that the court declared the appointments to be valid to the extent, they conformed to the concerned rules and binding norms. To hold otherwise would be to disregard the provisions, norms and guidelines constituting the essential and basic standards which every educational institution is expected to conform to.

9. Furthermore, there is merit in the respondents' submission that the court, in contempt proceeding cannot enlarge its scope and examine matters which are not part of its remit, i.e. extent of the direction or orders contained in the judgement of which contempt being alleged. In fact, in the decision in *Sudhir Vasudeva* (supra), it was held as follows:

“19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-

determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, Jhareswar Prasad Paul v. Tarak Nath Ganguly [(2002) 5 SCC 352 : 2002 SCC (L&S) 703] , V.M. Manohar Prasad v. N. Ratnam Raju [(2004) 13 SCC 610 : 2006 SCC (L&S) 907] , Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami [(2008) 5 SCC 339] and Union of India v. Subedar Devassy PV [(2006) 1 SCC 613].”

10. In the present case too, this court is of the opinion that the respondents’ stand that without verification of the petitioners’ appointment and whether the procedures prescribed were duly followed in respect of matters such as fulfilling eligibility conditions (essential qualifications and relevant experience); availability of vacancy; staff pattern in respect of *madrasas* where recognition was granted and if so for what period; whether the institution was aided and recognized or not or recognized and non-aided, and if so for what duration; whether a duly empowered selection body or bodies considered the candidature of the claimant before he/she was appointed and whether the committee or body selecting the individual/claimant was constituted in accordance with the rules or guidelines, etc is justified. In these circumstances, this court is of the opinion that further proceedings cannot be continued as no determination can be made unless there is a due verification in regard to the employment of each of the petitioners.

11. Furthermore, this court, in lawful exercise of contempt jurisdiction, cannot examine the merits of a decision, whether the state or the madrasa's stand that any of the petitioners is entitled to the benefits of being treated as an employee, having regard to the concerned rules and regulations. In *J.S. Parihar v. Ganpat Duggar*³ this court explained the limited scope of contempt proceedings, as follows, in the facts of the case:

“6. The question then is whether the Division Bench was right in setting aside the direction issued by the learned Single Judge to redraw the seniority list. It is contended by Mr S.K. Jain, the learned counsel appearing for the appellant, that unless the learned Judge goes into the correctness of the decision taken by the Government in preparation of the seniority list in the light of the law laid down by three Benches, the learned Judge cannot come to a conclusion whether or not the respondent had wilfully or deliberately disobeyed the orders of the Court as defined under Section 2(b) of the Act. Therefore, the learned Single Judge of the High Court necessarily has to go into the merits of that question. We do not find that the contention is well founded. It is seen that, admittedly, the respondents had prepared the seniority list on 2-7-1991. Subsequently promotions came to be made. The question is whether seniority list is open to review in the contempt proceedings to find out whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible under Section 12 of the Act. Therefore, the Division Bench has exercised the power under Section 18 of the Rajasthan High Court Ordinance being a judgment or order of the Single Judge; the Division Bench corrected the mistake committed by the learned Single Judge. Therefore, it may not be necessary for the State to file an appeal in this Court against the judgment of the learned Single Judge when the matter was already seized of the Division Bench.”

12. In a later decision, *Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda*⁴ this court explained the limitations of a court exercising contempt jurisdiction:

“11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarised thus:

3 (1996) 6 SCC 291

4 (2006) 5 SCC 399

I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of "jurisdiction to punish for contempt" and, therefore, not appealable under Section 19 of the CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases)."

13. It is thus, apparent, that if this court were to pronounce upon the merits of the respondents' position, it would necessarily have to consider the facts of each case, and decide whether the stand of the alleged contemnors – wherever a decision adverse to the petitioners is taken, is correct on its merits. That exercise, plainly is not admissible in proper exercise of contempt jurisdiction.

14. The above observations would have ordinarily been conclusive and dispositive of the present petitions. However, this court is conscious of the fact that the process of verification undertaken by the state would result in further delay and may lead to multifarious litigation, spelling uncertainty to individuals and members of staff of *madrasas* who were appointed after following all norms and procedures.

15. During the hearing this court had suggested constitution of a committee which would examine all relevant factors and verify the claims of the petitioners which could then be considered and acted upon by the same. This suggestion was acceptable to the state, the commission and concerned

madrasas who are represented by Mr. Rakesh Dwivedi, Mr. C.U. Singh, Sr. Advocates and other counsel.

16. During the hearing, the court had suggested constitution of a committee which would go into all relevant factors and verify the claims of the petitioners which would then be considered and acted upon by the same. This suggestion was acceptable to the state, the concerned *madrasas* and the petitioners, represented by M/s. Rakesh Dwivedi, C.U. Singh, and Huzeffa Ahmadi, Sr. Advocates, Ms. Madhumita Bhattacharjee, Mr. Bikash Ranjan Bhattacharya, and other counsel.

17. Accordingly, this Court exercising its powers under Article 142 hereby constitutes a Committee headed by Justice Debi Prasad Dey, retired Judge, Calcutta High Court. The Committee shall also consist of a Principal Secretary ranking officer of the IAS, who had served in the West Bengal cadre and stationed in Kolkata with experience in the Higher Education Department as well as a retired Registrar of one of the State Universities in West Bengal, residing in Kolkata. The State Government shall nominate the members other than the Chairman. The Committee is requested to consider the claims of the petitioner, keeping in mind the following:

- (a) Whether the *madrasa* or its managing committee was recognized by the state government on the date on which the appointment was made?
- (b) Whether such appointments were made, of candidates who possessed the requisite prescribed qualifications and fulfilled the experience and other eligible conditions stipulated for the post concerned?
- (c) Whether such an appointment was made by following the recruitment procedure indicated in the Kolkata Gazette Notification dated 11-03-2015 (No. 93-SE/S/10R-14/2013-9th February, 2015) and in Kolkata Gazette Notification dated 04-03-2016 (No. 486-MD/O/2M-11/2016)?
- (d) Whether the appointments were made against vacancies that existed and whether the vacancies conformed to the staffing pattern for the concerned institution/*madrasas*

(e) Whether after the appointments were made, the persons appointed actually worked on their respective posts?

(f) Whether the appointments were actually made on the date of the appointment letter, or were backdated?

18. The remuneration of the Chairperson of the Committee shall be ₹ 10,00,000/- and that of each member shall be ₹ 5,00,000/-. The committee shall complete its task expeditiously; and, within four months from today, submit a report to the State Government, which shall then pass appropriate orders in respect of the petitioners within two months thereafter.

19. Ms. Madhumita Bhattacharjee submitted that all necessary co-operation would be extended by the State Government, which is directed to provide infrastructure, and the necessary staff to the committee to complete its task. The State Government is directed to notify the committee, within four weeks from today, and give appropriate publicity to those interested to seek verification of their claim. Such publicity shall be through appropriate advertisement in newspapers, both in English and in Bengali. In addition, the notification shall also be placed on the website of the State Government's Minority Affairs & Madrasah Education Department, Nabanna, Howrah. The notification shall indicate the time within which representations can be made. It is open to those claiming benefit, as well as those likely to be affected by the report, to represent to the committee, within the time stipulated. The committee shall also consider a suitable and practicable method of giving hearing to those interested.

20. These petitions and pending applications/appeal(s) are disposed of in the above terms.

.....J.
[S. RAVINDRA BHAT]

.....J.
[DIPANKAR DATTA]

**NEW DELHI,
FEBRUARY 02, 2023.**

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION Diary No(s) . 21380/2023

(Arising out of impugned final judgment and order dated 02-02-2023 in CONMT.PET.(C) No. No. 352/2022 passed by the Supreme Court Of India)

SNEHASIS GIRI

Petitioner(s)

VERSUS

SUBHASIS MITRA

Respondent(s)

(IA No. 105450/2023 - EXTENSION OF TIME)

Date : 18-05-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Rakesh Dwivedi, Sr. Adv.
Ms. Madhumita Bhattacharjee, AOR

Mr. Atarup Banerjee, Adv.
Sunando Raha, adv.
Mr. Nishant Kumar, Adv.
Mr. Pulkit Agarwal, AOR

Mr. M.R. Shamshad, AOR
Ms. Nabeela Jamil, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Having regard to the contentions, the request for extension by eight weeks is allowed. The Court also directs that additional remuneration to the Members of the Committee i.e. Rs.10 Lakhs to the Chairman and Rs.5 Lakhs to the Members be paid for the extended period.

I.A. No. 105450 of 2023 is disposed of, accordingly, M.A. Dy. No. 21380 of 2023 is also disposed of.

If any person is aggrieved and unable to appear despite receipt of notice, it is open to him/her to do so before the Committee.

Signature Not Verified
Digitally signed by
NEETA SAPRA
Date: 05-05-2023
17:30:10
Reason: []

(NEETA SAPRA)
COURT MASTER (SH)

(MALEKAR NAGARAJ)
BRANCH OFFICER

Government of West Bengal
Minority Affairs and Madrasah Education Department
"NABANNA", HRBC Buildings, Howrah – 711 102

No.485-MD

Date: 28-02-2023

Notification

Whereas, the Hon'ble Supreme Court of India by a judgment dated 02.02.2023 in the matter of Contempt Petition (C) No. 352 of 2022 in Civil Appeal No. 5808 of 2017, Snehasis Giri and Ors. Vs Subhasis Mitra with other Contempt Petitions has constituted a Committee headed by Justice Debi Prosad Dey, retired Judge, Calcutta High Court as Chairman with other two members to be nominated by the State Government.

Now therefore, in compliance with the aforesaid judgment of the Hon'ble Supreme Court dated 02.02.2023, the other two members of the Committee are hereby nominated as follows:-

- I. Justice Debi Prosad Dey, Retired Judge, Calcutta High Court--- Chairman;
- II. Shri Manish Gupta, I.A.S(Retd), Ex. Additional Chief Secretary, Higher Education Department, Ex. Chief Secretary, Govt. of West Bengal - Member;
- III. Shri Sripati Mukhopadhyay, Ex. Registrar, University of Burdwan - Member.

All interested person who want to seek verification of their claim as well as those who are likely to be affected by the report of the Committee, may make representation within 24.03.2023 on all working days within office hours from the date of this notification.

The other terms of reference of the Committee shall be as mentioned in the Judgment of the Hon'ble Supreme Court dated 02.02.2023 and as may be prescribed by the Committee.

The Committee is to consider the following points in terms of the Judgment of the Hon'ble Supreme Court dated 02.02.2023:-

- (a) Whether the madrasah or its managing committee was recognized by the state government on the date on which the appointment was made?
- (b) Whether such appointments were made, of candidates who possessed the requisite prescribed qualifications and fulfilled the experience and other eligible conditions stipulated for the post concerned?
- (c) Whether such an appointment was made by following the recruitment procedure indicated in the Kolkata Gazette Notification dated 11-03-2015 (No. 93-SE/S/10R-14/2013-9th February, 2015) and in Kolkata Gazette Notification dated 04-03-2016 (No. 486-MD/O/2M-11/2016)?
- (d) Whether the appointments were made against vacancies that existed and whether the vacancies conformed to the staffing pattern for the concerned institution/madrasahs
- (e) Whether after the appointments were made, the persons appointed actually worked on their respective posts?
- (f) Whether the appointments were actually made on the date of the appointment letter, or were backdated?

The office of the Committee shall be at Moulana Abul Kalam Azad Bhawan, DD-45, Block- DD, Salt Lake City, Sector-I, Kolkata-64.

Sd/-
Md. Ghulam Ali Ansari, IAS
Secretary
to the Government of West Bengal

No.485/1(6)-MD

Date: 28-02-2023

Copy to, for information and taking necessary action,--

1. Justice Debi Prosad Dey, Retired Judge, Calcutta High Court--- Chairman
2. Shri Manish Gupta, I.A.S(Retd), Ex. Additional Chief Secretary, Higher Education Department, Ex. Chief Secretary, Govt. of West Bengal – Member
3. Shri Sripati Mukhopadhyay, Ex.Registrar, University of Burdwan – Member
4. OSD & Ex Officio Director of Madrasah Education
5. Secretary, West Bengal Madrasah Service Commission
6. Secretary, West Bengal Board of Madrasah Education.


Deputy Secretary

to the Government of West Bengal

Annexure-XIX**List of interested persons vide petitioners along with the concerned Madrasah**

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District
1	Sk. Asiruddin	FMA 915 of 2021	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
2	Azad Mondal	SLP 3352 of 2021	Jamia Islamia Girls High Madrasah	North 24 Pgs
3	Nijamuddin Khan	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
4	Sk. Sazzad Hossain	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
5	Sk. Abid Hossain	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
6	Md. Sabemiraj Ali Khan	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
7	Amina Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
8	Aliya Begam	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
9	Sk. Alauddin	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
10	Ayesha Siddikia	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
11	Khadija Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
12	Mayjamin Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur
13	Farukuddin Ahamed	General Applicants	Chhapna High Madrasah	North 24 Pgs
14	Sarifa Khanam	General Applicants	Chhapna High Madrasah	North 24 Pgs
15	Nargis Parvin	General Applicants	Chhapna High Madrasah	North 24 Pgs
16	Syed Marufa Parveen	General Applicants	Kumarpur High Madrasah	Purba Medinipur
17	Syed Mahenur Ali	General Applicants	Kumarpur High Madrasah	Purba Medinipur
18	Jiyasmin Khatun	General Applicants	Kumarpur High Madrasah	Purba Medinipur
19	Sk. Abdul Basir	General Applicants	Kumarpur High Madrasah	Purba Medinipur
20	Md. Mosaraf Ali Khan	General Applicants	Kumarpur High Madrasah	Purba Medinipur
21	Mst. Ruksena Begam	General Applicants	Kumarpur High Madrasah	Purba Medinipur
22	Ratan Mondal	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
23	Izaz Ahmed Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
24	Saifuddin Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
25	Md. Tarif Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District
26	Md. Rabiul Huda	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
27	Md. Masiur Rahaman Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
28	Md. Bahauddin Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
29	Md. Mushakali Mulla Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
30	Imrana Yeasmin Mondal	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
31	Sk. Muktar Ahamed	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
32	Md. Mujtaba Ali Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
33	Sk. Azaharuddin	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
34	Rojina Khatun	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs
35	Priyanka Patra	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
36	Reshma Parveen	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
37	Sk. Md. Hedayetullah	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
38	Anwar Sarkar	General Applicants	Margram High Madrasah (H.S)	Birbhum
39	Kazi Md. Yiasin	General Applicants	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
40	Abdul Hamid Sardar	General Applicants	Kaderia High Madrasah	North 24 Pgs
41	Nasiruddin Shaikh	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
42	Sarifuddin Gazi	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
43	Ataur Rahaman Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
44	Oboydulla Sardar	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
45	Md. Sabir Hossain Khamaru	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
46	Md. Mustak Ali Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
47	Md. Azahar Uddin Sk	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
48	Md. Miraz Ali Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
49	Mahamudul Hassan Halder	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
50	Md. Abujafar Middya	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
51	Aspak Kazi	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs
52	Ajoy Rakshit	General Applicants	Khaskhamar High Madrasah	Howrah

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District
53	Faruk Gazi	General Applicants	Khaskhamar High Madrasah	Howrah
54	Biswajit Shaw	General Applicants	Khaskhamar High Madrasah	Howrah
55	Mirzanur Hassan	General Applicants	Khaskhamar High Madrasah	Howrah
56	Zohorul Islam	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
57	Abdul Wahed	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
58	Abdul Wakil	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
59	Md. Shamim Ashraf	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
60	Md. Khursid Alam	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur

Government of West Bengal
Minority Affairs and Madrasah Education Department
'Nabanna', HRBC Buildings, Howrah-711 102

No. 539-MD/99011/129/2022

Dated : 06.03.2023

Notice

In reference to Notification No. 485-MD, dated : 28.02.2023, the Committee constituted vide the Solemn order of the Hon'ble Supreme Court dated 02.02.2023 constituting of the following Chairman and Members;

I. Justice Debi Prosad Dey, Retired Judge, Kolkata High Court - Chairman,

II. . Shri Manish Gupta, IAS (Retd), Ex- Principal Secretary, Higher Education Department and Former Chief Secretary to the Government of West Bengal -Member.

III. Shri Sripati Mukhopadhyay, Former Registrar, Burdwan University – Member,

in the matter of Contempt Petition(C) No. 352 of 2022 in Civil Appeal No. 5808 of 2017 and other Petitions has been notified and published in this newspaper on 02.03.2023.

Now, it is again brought to the Notice of “**All interested person who want to seek verification of their claim as well as those who are likely to be affected by the report of the Committee may make representation within 24.03.2023 on all working days within office hours.**”

The representation may be submitted in the “**office of the Committee constituted by the order of the Hon'ble Supreme Court**” at Moulana Abul Kalam Azad Bhawan, DD-45, Block-DD, Salt Lake City, Sector-I, Kolkata-64.

The email of the Committee is seconstitutedc2022@gmail.com.

Other matter mentioned in the Notification No. 485-MD, dated 28.02.2023 remain the same.

Sd/-

Md. Ghulam Ali Ansari, IAS
Secretary to the Govt. of W.B.

Government of West Bengal
Minority Affairs and Madrasah Education Department
'Nabanna', HRBC Buildings, Howrah-711 102

No.705 -MD

Date: 24.03.2023

Notice

Whereas vide Notification No. 485-MD dated 28.02.2023 a Committee headed by Hon'ble justice Debi Prosad Dey, retired Judge, Calcutta High Court with other two members was notified by this Department to verify the claim of the interested persons or those who are likely to be affected by the report of the Committee based on the representations received for the purpose within 24.03.2023 by the Committee in compliance with the judgment of the Hon'ble Supreme Court dated 02.02.2023 in Contempt Petition(C) No. 352 of 2022 in Civil Appeal No. 5808 of 2017.

And whereas the Committee has now proposed for extending the last date of submitting such representations upto 31.3.2023.

Now therefore, it is brought to the notice of all concern that interested persons who want to seek verification of their claim as well as those who are likely to be affected by the report of the Committee may submit representation within 31.03.2023 in the office of the Committee at Moulana Abul Kalam Azad Bhawan, DD-45, Block-DD, Salt Lake City, Sector-I, Kolkata-64 on all working days within office hours.

Sd/-

Md. Ghulam Ali Ansari, IAS
Secretary to the Govt. of W.B.

Madrasah wise list of the claimants

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
1	Md. Rakibul Islam	577/2023	Amdanga Kendriya Siddiquia Hamidia Sr. Madrasah (Fazil)	North 24 Pgs	23.03.2023
2	Ramiz Raj Khan	371/2022	Chengail High Madrasah	Howrah	27.03.2023
3	Lal Mahammad Khan	376/2022	Rongmohol Quorania High Madrasah (H.S)	Howrah	27.03.2023
4	Sk Ramjan Ali	376/2022	Rongmohol Quorania High Madrasah (H.S)	Howrah	27.03.2023
5	Nasima Bibi (Khatun)	355/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	27.03.2023
6	Sk. Manjur Ali	355/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	27.03.2023
7	Md. Ismail	362/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	27.03.2023
8	Sk Aniquil Islam	362/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	27.03.2023
9	Nazrul Islam	362/2022	Bheramari A.M. High Madrasah	Birbhum	27.03.2023
10	Makhan Mondal	362/2022	Bheramari A.M. High Madrasah	Birbhum	27.03.2023
11	Suraiya Zamil	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	28.03.2023
12	Dr. Rozina Khatun	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	28.03.2023
13	Safiur Rahman	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	28.03.2023
14	Md. Ashraful Haque	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	28.03.2023
15	Md. Rafique Mandal	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	28.03.2023
16	Sk. Tamijuddin	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	28.03.2023
17	Ushuf Seikh	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	28.03.2023
18	Nafijul Molla	354/2022	Bheramari A.M. High Madrasah	Birbhum	28.03.2023
19	Sk. Yasin	354/2022	Bheramari A.M. High Madrasah	Birbhum	28.03.2023
20	Parsona Khatun	354/2022	Bheramari A.M. High Madrasah	Birbhum	28.03.2023
21	Md. Saidul Islam	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
22	Asiul Sahana	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
23	Md. Haider Ansari	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
24	Sk. Jasimuddin	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
25	Goutam Kumar Das	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
26	Md. Noman Habib	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
27	Jasimuddin Molla	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
28	Tuhinarani Khatun	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
29	Sk. Injamamul Hoque	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
30	Md. Lichu Seikh	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
31	Riaz Kajal	354/2022	Margram High Madrasah (H.S)	Birbhum	28.03.2023
32	Lilufa Yasmin	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
33	Channnihar Khatun	503/2022	Takipur High Madrasah	Murshidabad	Not appeared on any dates, Despite
34	Ayesha Siddika	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
35	Md. Mohibul Sk.	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
36	Md. Hasibur Rahaman	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
37	Samiul Kabir	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
38	Rekha Khatun	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
39	Najma Khatun	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
40	Sufia Khatun	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
41	Dipak Kr. Saha	503/2022	Takipur High Madrasah	Murshidabad	04.04.2023
42	Md. Masud Alam	587/2022	Dhuliyon High Madrasah	Murshidabad	04.04.2023
43	Morsalim Hossain	587/2022	Dhuliyon High Madrasah	Murshidabad	04.04.2023
44	Ismail Sk	587/2022	Dhuliyon High Madrasah	Murshidabad	04.04.2023
45	Md. Azmal Hossain	587/2022	Dhuliyon High Madrasah	Murshidabad	04.04.2023
46	Arif Hossain	601/2023	Dhuliyon High Madrasah	Murshidabad	04.04.2023
47	Ismail Sk	601/2023	Dhuliyon High Madrasah	Murshidabad	04.04.2023
48	Md. Asmaul Kholifa	601/2023	Dhuliyon High Madrasah	Murshidabad	04.04.2023
49	Poly Khatun	601/2023	Dhuliyon High Madrasah	Murshidabad	04.04.2023
50	Md Nazrul Islam	366/2022	Sahadiar High Madrasah (H.S)	Murshidabad	05.04.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
51	Nasirul Hossain	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	not appeared on any dates, Despite
52	Shikha Khatun	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	not appeared on any dates, Despite
53	Sabina Yasmin	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	not appeared on any dates, Despite
54	Mst. Bulti Khatun	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	not appeared on any dates, Despite
55	Md Bush Sk	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	not appeared on any dates, Despite
56	Md Samir Hoosain	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	not appeared on any dates, Despite
57	Sk Abdullah	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	not appeared on any dates, Despite
58	Mehedi Hasan	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	not appeared on any dates, Despite
59	Md Rofikuzzaman	505/2022	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
60	Intiazuddin Ahmed	505/2022	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
61	Mustakim	505/2022	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
62	Md Raja Hossain Mallick	505/2022	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
63	Md Masiullah Sk	505/2022	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
64	Mst. Saira Banu	505/2022	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
65	Aneba Khatun	505/2022	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
66	Mst. Rajiun Kasfima	505/2022	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
67	Golam Mortuja	596/2023	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
68	Md. Samiul Kabir	596/2023	Debkunda High Madrasah	Murshidabad	not appeared on any dates, Despite
69	Md. Delwar Hossain	572/2023	D.B.S. Junior High Madrasah For Girls	Murshidabad	of receipt of 25.05.2023
70	Ahammod Hossain	500/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	06.04.2023
71	Ekramul Haque	500/2022	Metekona High Madrasah	Birbhum	15.06.2023
72	Mohosina Khatun	600/2023	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	06.04.2023
73	Javed Aktar Mollah	517/2022	Mahidapur High Madrasah (H.S)	Birbhum	15.06.2023
74	Samim Mollah	517/2022	Mahidapur High Madrasah (H.S)	Birbhum	15.06.2023
75	Sekh Amirul	517/2022	Mahidapur High Madrasah (H.S)	Birbhum	15.06.2023
76	Sk Johir Uddin	517/2022	Mahidapur High Madrasah (H.S)	Birbhum	15.06.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
77	Sohel Rana	517/2022	Margram High Madrasah (H.S)	Birbhum	14.06.2023
78	Sk Sahabuddin	517/2022	Margram High Madrasah (H.S)	Birbhum	14.06.2023
79	Mahammad Ali	517/2022	Margram High Madrasah (H.S)	Birbhum	14.06.2023
80	Manowara Khatun	517/2022	Margram High Madrasah (H.S)	Birbhum	14.06.2023
81	Manijul Sk	379/2022	Aleya High Madrasah	Nadia	24.05.2023
82	Chumki Khatun	506/2022	Akandadanga High Madrasah	Nadia	not appeared on any dates, Despite
83	Samrat Sha Fakir	506/2022	Akandadanga High Madrasah	Nadia	not appeared on any dates, Despite
84	Sahina Khatun	507/2022	Akandadanga High Madrasah	Nadia	not appeared on any dates, Despite
85	Hasan Sk	507/2022	Akandadanga High Madrasah	Nadia	not appeared on any dates, Despite
86	Hafizur Rahaman Mir	507/2022	Akandadanga High Madrasah	Nadia	not appeared on any dates, Despite
87	Md. Rahul Sk.	507/2022	Akandadanga High Madrasah	Nadia	not appeared on any dates, Despite
88	Mainuddin Mandal	377/2022	Kethardanga High Madrasah	Bankura	14.06.2023
89	Motibul Dalal	377/2022	Kethardanga High Madrasah	Bankura	14.06.2023
90	Titulal Ghosh	377/2022	Kethardanga High Madrasah	Bankura	14.06.2023
91	Lipika Haldar	494/2022	Kethardanga High Madrasah	Bankura	14.06.2023
92	Kheyrunnesa Begam	494/2022	Kethardanga High Madrasah	Bankura	14.06.2023
93	Sk. Aniulla	494/2022	Kethardanga High Madrasah	Bankura	14.06.2023
94	Riajul Bhuian	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
95	Oliullah Mallick	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
96	Niladri Mishra	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
97	Dayamoy Kari	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
98	Sunanda Dana	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
99	Swati Mandal	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
100	Rumpa Dey	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
101	Sk Samaul	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
102	Abdul Hamid Khan	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
103	Sirajul Bayen	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	15.06.2023
104	Maruk Karfi	508/2022	Sammilani High Madrasah	Bankura	14.06.2023
105	Sahnawaz Khan	516/2022	Kethardanga High Madrasah	Bankura	14.06.2023
106	Jahidul Mondal	516/2022	Morar High Madrasah	Bankura	14.06.2023
107	Asmaul Husna	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
108	Abdulla Tarafdar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
109	Injimamul Hossain	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
110	Rita Farmuda Yesmin	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
111	Sk Mahabur Rahaman	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
112	Jesmin Nahar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
113	Md Abdur Rahaman Gazi	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
114	Safiul Haque Mistry	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
115	Moumita Mondal	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
116	Rajaul Atker Alam	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
117	Aparesh Mandal	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
118	Md Mahafuzar Rahaman Laskar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
119	Nashrin Parveen	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
120	Md Mohinul Haque Molla	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
121	Abul Hasan Molla	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
122	Arzina Sahaji	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
123	Mosaddek Hossain	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
124	Siddiquillah Gazi	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
125	Azizur Rahaman Molla	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
126	Sabir Uddin Mir	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
127	Sanjay Mondal	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	11.04.2023
128	Sahinur Rahaman Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	07.07.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
129	Abdul Kaiyum Mondal	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	07.07.2023
130	Ummey Habiba	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	07.07.2023
131	Sazia Karim	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	not appeared on any dates, Despite of receipt of
132	Abu Hossain Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	07.07.2023
133	Ebrahim Gain	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	07.07.2023
134	Md. Jahangir Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	07.07.2023
135	Safiqul Islam	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
136	Mosura Khatun	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
137	Sakina Khatun	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
138	Md Mirajul Gazi	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
139	Md Nuruddin Molla	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
140	Sajjat Ali Mollah	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
141	Khalada Parvin	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
142	Jahangir Hossain	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
143	Kutubuddin Mondal	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
144	Md Mahmudur Rahman Laskar	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
145	Hasanujjaman Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
146	Hammad Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
147	Md Hafizul Islam Dhali	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
148	Md Sariful Islam Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
149	Jahangir Hossain Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
150	Sahanur Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
151	Md Habibullah Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	12.04.2023
152	Md Ilias Sarif Molla	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
153	Gour Pada Mandal	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
154	Md Jahangir Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
155	Chhabir Ali Mondal	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
156	Abu Bakkar Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
157	Abdur Razzak Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
158	Somnath Biswas	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
159	Soma Biswas	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
160	Md. Shahnawoz Molla	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
161	Rupa Khatun	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
162	Firozuddin Ahammed	575/2023	Kaderia High Madrasah	North 24 Pgs	13.04.2023
163	Md. Rakibul Hasan Mondal	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
164	Azad Rahman	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
165	Marium Khatun	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
166	Mijanur Rahman	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
167	Md. Salauddin Gazi	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
168	Amjad Ali Sardar	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
169	Kamal Hossain Gazi	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
170	Md. Hasanuzzaman	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
171	Mustafir Ahmed	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
172	Zahira Khatoon	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
173	Sk. Sariful Alam	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
174	Sk. Jahangir Alam	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	13.04.2023
175	Ashmina Khatun	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	17.04.2023
176	Abu Bakkar Mondal	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	17.04.2023
177	Sk Azahar Uddin	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	17.04.2023
178	Rajjak Laskar	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	17.04.2023
179	Nakib Uddin Molla	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	17.04.2023
180	Md Samsul Arifin	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	17.04.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
181	Anisha Parven	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
182	Mr Md Nzimuuddin Molla	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
183	Mr. Fazlul Haque Mollick	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
184	Mr. Md. Abu Hasim Khan	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
185	Mr. Md. Ashahul Hoque Molla	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
186	Mr. Sayed Mafijul Ali	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
187	Mr. Sk. Abdullal Al Faruque	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
188	Sahana Khatun (Begam)	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
189	Sahina Yeamin	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
190	Situma Tajrin	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	17.04.2023
191	Md. Obaidullah Raj	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	17.04.2023
192	Salma Sultana	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	17.04.2023
193	Md. Samsur Rahman Mallick	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	17.04.2023
194	Srikrishna Mondal	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	17.04.2023
195	Md. Omar Faruque Sardar	582/2023	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	17.04.2023
196	Mr. Sheikh Arif Mohammad	582/2023	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	17.04.2023
197	Abdul Momen Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
198	Masum Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
199	Abdus Selim Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
200	Lipika Mondal	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
201	Parvez Ahamed Mollick	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
202	Tahamina Khatun	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
203	Md. Safiqul Alam Mollick	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
204	Sahanaj Parveen	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
205	Mabuda Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
206	Rexona Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023

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207	Fatema Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
208	Mst. Salma Parvin	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
209	Abdul Karim Mondal	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
210	Ashib Mondal	610/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	18.04.2023
211	Jinat Parveen	566/2023	Ajangachi High Madrasah	Howrah	25.04.2023
212	Niroja Jafrin	566/2023	Ajangachi High Madrasah	Howrah	25.04.2023
213	Nikhat Parveen	566/2023	Chengail High Madrasah	Howrah	25.04.2023
214	Nafisa Ali	566/2023	Chengail High Madrasah	Howrah	25.04.2023
215	Imran Khan	566/2023	Chengail High Madrasah	Howrah	25.04.2023
216	Shek Noushad Ali	566/2023	Chengail High Madrasah	Howrah	25.04.2023
217	Sk. Abdul Salam	580/2023	Chengail High Madrasah	Howrah	25.04.2023
218	Papu Jana	580/2023	Chengail High Madrasah	Howrah	25.04.2023
219	Anita Maity	580/2023	Chengail High Madrasah	Howrah	25.04.2023
220	Sabina Islam	580/2023	Chengail High Madrasah	Howrah	25.04.2023
221	Sk. Nazmul Hossein	580/2023	Chengail High Madrasah	Howrah	25.04.2023
222	Arun Pal	580/2023	Chengail High Madrasah	Howrah	25.04.2023
223	Amit Das	580/2023	Chengail High Madrasah	Howrah	25.04.2023
224	Sk. Abdur Rafik	580/2023	Chengail High Madrasah	Howrah	25.04.2023
225	Sk. Anisur Rahaman	580/2023	Chengail High Madrasah	Howrah	25.04.2023
226	Ashadul Mondal	580/2023	Chengail High Madrasah	Howrah	25.04.2023
227	Sourav Maity	580/2023	Chengail High Madrasah	Howrah	25.04.2023
228	Tanmoy Pal	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023
229	Barun Maity	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023
230	Sandipan Pahari	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023
231	Mahammad Mehboob Hossain	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023
232	Subhasish Pulai	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023

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233	Santu Mandal	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023
234	Md. Masud Laskar	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023
235	Najma Khatun	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023
236	Mr. Nur Mohammad Ali Sha	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	28.04.2023
237	Arjina Khatun	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur	28.04.2023
238	Sk Ajmal Alam	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur	28.04.2023
239	Sudarshan Jana	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur	28.04.2023
240	Papu Ali Saha	509/2023	Mandarpur High Madrasah	Purba Medinipur	28.04.2023
241	Md Sujauddin Halder	509/2023	Mandarpur High Madrasah	Purba Medinipur	28.04.2023
242	Munmun Das (Sahu)	509/2023	Mandarpur High Madrasah	Purba Medinipur	28.04.2023
243	Saleha Khatun	509/2023	Mandarpur High Madrasah	Purba Medinipur	28.04.2023
244	Roshnara Bibi	509/2023	Mandarpur High Madrasah	Purba Medinipur	28.04.2023
245	Sabina Yesmin Shah	374/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur	28.04.2023
246	Moumita Poddar	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	02.05.2023
247	Debjani Dutta	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	02.05.2023
248	Abu Hossain	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	02.05.2023
249	Md. Wahedul Islam	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	02.05.2023
250	Sahajan Md	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	02.05.2023
251	Saddam Hussain	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	02.05.2023
252	Ebrahim Md.	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	02.05.2023
253	Sk. Aslam Ali	569/2023	Bijoyramchawk Haji Ahammad Ali High Madrasah (H.S.)	Purba Medinipur	03.05.2023
254	Sk. Sartaj Ali	569/2023	Bijoyramchawk Haji Ahammad Ali High Madrasah (H.S.)	Purba Medinipur	03.05.2023
255	Sk Mugle Azam	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	16.06.2023
256	Sharmadeb Jana	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	03.05.2023
257	Sourav Das	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	03.05.2023
258	Sk. Jafar Ali	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	03.05.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
259	Mahbuba Khatun	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	03.05.2023
260	Smt. Papi Das Roy	380/2022	Mathabhanga High Madrasah	Coochbehar	04.05.2023
261	Emran Miyan	380/2022	Mathabhanga High Madrasah	Coochbehar	04.05.2023
262	Indrajit Paul	380/2022	Mathabhanga High Madrasah	Coochbehar	04.05.2023
263	Moksadul Alam	380/2022	Mathabhanga High Madrasah	Coochbehar	04.05.2023
264	Mr. Naren Chandra Modak	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	Not appeared on any dates, Despite of receipt of
265	Mr. Sahajamal Khandakar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
266	Mr. Sukhamay Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
267	Asrafi Khanam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
268	Mr. Mehmud Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
269	Subha Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
270	Ekramul Alam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
271	Jahurul Hoque Mondal	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
272	Firdus Rahaman	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
273	Baharul Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
274	Md Bin Kalam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
275	Jashimuddin Miah	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
276	Suriya Akter Banu	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
277	Abdur Rahim Mallik	MA No. D.No. 110/20 of	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
278	Nur Jamal Hossain Mallik	MA No. D.No. 110/20 of	Kalmati High Madrasah (H.S.)	Coochbehar	04.05.2023
279	Md Mir Mosarraf Hossain	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	15.05.2023
280	A.B. Tarikur Reja	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	15.05.2023
281	Mst. Samina Yesmin	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	15.05.2023
282	Priyanka Katiyar	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	15.05.2023
283	Mastara Khatun	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	15.05.2023
284	Oliur Rahaman	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	15.05.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
285	Abu Hayat	608/2023	Milangarh Sajjadia High Madrasah (H.S)	Malda	15.05.2023
286	Md. Saheb	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
287	Nasima Akhtar Banu	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
288	Fatematuj Johara	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
289	Md. Selim	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
290	Jiaur Rahaman	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
291	Md Tajamul Hoque	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
292	Md Zakir Hossain	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
293	Fakuruddin	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
294	Md Monirul Islam	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
295	Md Eliyas	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	15.05.2023
296	Rijia Sultana	515/2022	Bhabanipur Model High Madrasah (H.S)	Malda	16.05.2023
297	Md Jubair Ali	515/2022	Bhabanipur Model High Madrasah (H.S)	Malda	16.05.2023
298	Manowara Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda	16.05.2023
299	Samima Nasrin	370/2022	Bhagabanpur Girls High Madrasah	Malda	16.05.2023
300	Shelina Parvin	370/2022	Bhagabanpur Girls High Madrasah	Malda	16.05.2023
301	Rojina Parveen	370/2022	Bhagabanpur Girls High Madrasah	Malda	16.05.2023
302	Nibedita Banik	370/2022	Bhagabanpur Girls High Madrasah	Malda	16.05.2023
303	Mst. Halima Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda	16.05.2023
304	Dipannita Mandal	373/2022	Batna J.M.O. Sr. Madrasah	Malda	16.05.2023
305	Miarul Hoque	373/2022	Batna J.M.O. Sr. Madrasah	Malda	16.05.2023
306	Md Jahangir Alam	373/2022	Batna J.M.O. Sr. Madrasah	Malda	16.05.2023
307	Rojina Parvin	373/2022	Batna J.M.O. Sr. Madrasah	Malda	16.05.2023
308	Md Esrar Hossain	373/2022	Batna J.M.O. Sr. Madrasah	Malda	16.05.2023
309	Md Ayub Ali Molla	373/2022	Batna J.M.O. Sr. Madrasah	Malda	16.05.2023
310	Sahenur Parvin	373/2022	Batna J.M.O. Sr. Madrasah	Malda	16.05.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
311	Rakesh Gazi	373/2022	Batna J.M.O. Sr. Madrasah	Malda	16.05.2023
312	Selima Yeasmin	568/2023	J.H.R. Sr. Madrasah	Malda	17.05.2023
313	Hasanul Jamal	568/2023	J.H.R. Sr. Madrasah	Malda	17.05.2023
314	Md. Wasim Tarik	568/2023	J.H.R. Sr. Madrasah	Malda	17.05.2023
315	Nasrin Jahan	568/2023	J.H.R. Sr. Madrasah	Malda	17.05.2023
316	Selim Aktar	568/2023	J.H.R. Sr. Madrasah	Malda	17.05.2023
317	Wasim Reja	497/2022	J.H.R. Sr. Madrasah	Malda	17.05.2023
318	Md. Ebrahim	578/2023	J.H.R. Sr. Madrasah	Malda	17.05.2023
319	Md. Robiul Islam	611/2023	J.H.R. Sr. Madrasah	Malda	Not appeared on any dates, Despite
320	Benajir Yeasmin	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	17.05.2023
321	Saibur Rahaman	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	17.05.2023
322	Mst. Nuzhat Banu	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	17.05.2023
323	Manirul Hoque	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	17.05.2023
324	Md Nasim	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	17.05.2023
325	Md Sariful Islam	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda	17.05.2023
326	Md Safiul Alam	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda	17.05.2023
327	Selim Sk	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda	17.05.2023
328	Abdul Wahab	576/2023	Malgaon T.M.O. Sr. Madrasah	Uttar Dinajpur	18.05.2023
329	Md. Mahmud Ashraf	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
330	Md. Raquib Azam	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
331	Md. Anwer Reza	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
332	Abdur Rahman	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
333	Md. Shams Tabrez	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
334	Md. Asgar Alam	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
335	Md. Haidar Ali	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
336	Md. Irfan Razi Ansari	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
337	Md. Jamiruddin	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
338	Laila Anjuman	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
339	Md. Tanwer Ashraf	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
340	Rezaul Haque	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
341	Sk. Arif Hussain	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
342	Md. Sadique Alam	592/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
343	Ghulam Ansar	592/2023	Harbhanga High Madrasah	Uttar Dinajpur	18.05.2023
344	Mr. Mizanur Rahaman Molla	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
345	Mr. Nawaz Sharif Mali	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
346	Nasrin Parveen	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
347	Queen Arifa Sultana	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
348	Md. Almasul Islam Mondal	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
349	Tania Parveen	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
350	Mr. Jaydave Paria	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
351	Mr. Sk. Sohel Mia	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
352	Mr. Mizanur Rahaman Mufti	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	19.05.2023
353	Rabiul Molla	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	19.05.2023
354	Aparup Saha	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	19.05.2023
355	Nali Sardar	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	19.05.2023
356	Sourav Das	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	19.05.2023
357	Anik Halder	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	19.05.2023
358	Nilufar Tabassum	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs	19.05.2023
359	Gopal Chandra Sahoo	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs	19.05.2023
360	Sabina Yesmin	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs	19.05.2023
361	Rajlaxmi Das	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs	19.05.2023
362	Kishar Sasmal	597/2023	Ajangachi High Madrasah	Howrah	22.05.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
363	Panchanan Malik	597/2023	Ajangachi High Madrasah	Howrah	22.05.2023
364	Md. Kousir Ali	597/2023	Ajangachi High Madrasah	Howrah	22.05.2023
365	Soma Das Pal	597/2023	Ajangachi High Madrasah	Howrah	22.05.2023
366	Pratima Jana	586/2023	Ajangachi High Madrasah	Howrah	22.05.2023
367	Amit Rana	586/2023	Ajangachi High Madrasah	Howrah	22.05.2023
368	Sital Bera	606/2023	Chengail High Madrasah	Howrah	22.05.2023
369	Mitupriya Jana	603/2023	Chengail High Madrasah	Howrah	22.05.2023
370	Sk Ataur Rahaman	365/2022	Chengail High Madrasah	Howrah	22.05.2023
371	Sk. Akhtar Ali	365/2022	Chengail High Madrasah	Howrah	22.05.2023
372	Md Sujauddin	365/2022	Chengail High Madrasah	Howrah	22.05.2023
373	Sk. Md. Abu Usuf Ali	602/2023	Chengail High Madrasah	Howrah	22.05.2023
374	Sk Nasibur Rahaman	591/2023	Chengail High Madrasah	Howrah	16.06.2023
375	Md. Ibrahim Mallick	363/2022	Nimdighi High Madrasah	Howrah	23.05.2023
376	Arsed Mollah	363/2022	Nimdighi High Madrasah	Howrah	23.05.2023
377	Serina Yasmin	363/2022	Nimdighi High Madrasah	Howrah	23.05.2023
378	Farhana Parvin	609/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	23.05.2023
379	Sk. Samsul Bari	609/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	23.05.2023
380	Shaikh Ainul Ali	589/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	07.06.2023
381	Rubina Amin	589/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	23.05.2023
382	Kazi Md. Jahirul Hassan	565/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	23.05.2023
383	Md Wasim Bari Khan	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	29.05.2023
384	Sk Samim Ali	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	29.05.2023
385	Najma Khatun	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	29.05.2023
386	Maidul Ali Shah	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	29.05.2023
387	Sonali Khatun	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	29.05.2023
388	Sk Aual Tullah	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	29.05.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
389	Deen Mahammad	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	29.05.2023
390	Kangkan Giri	352/2022	Majna High Madrasah	Purba Medinipur	29.05.2023
391	Mortoja Rahaman	352/2022	Majna High Madrasah	Purba Medinipur	29.05.2023
392	Sk Sefayet Tulla	352/2022	Majna High Madrasah	Purba Medinipur	29.05.2023
393	Taslima Khatun	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	30.05.2023
394	Sk Insan Ali	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	30.05.2023
395	Mir Rahed	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	30.05.2023
396	Aleya Khatun	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	30.05.2023
397	Sk Lazim	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	30.05.2023
398	Sk Abdul Mannan	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	30.05.2023
399	Sk Rabiul Rahaman	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	30.05.2023
400	Snehasis Giri	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	30.05.2023
401	Goutam Panja	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	30.05.2023
402	Rajkumar Bag	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	30.05.2023
403	Anima Guria	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	30.05.2023
404	Sabyasachi Ghanti	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	30.05.2023
405	Yeasminara Khatun	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
406	Mousumi Pahari	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
407	Akash Das	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
408	Piyali Das	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
409	Md. Abu Hassan	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
410	Muntahuj Jaman Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
411	Mujahid Ali Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
412	Asfaque Hossain	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
413	Sk. Saifuudin	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
414	Sk. Islam Uddin	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023

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415	Mojahedul Islam	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
416	Mahiul Islam	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
417	Abdul Rakib Ali Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
418	Sk Imdadul Tulla	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	01.06.2023
419	Mst Sabrina Khatun	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
420	Rahaman Ali Shah	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
421	Souvik Som	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
422	Mst. Sabana Parvin	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
423	Nayan Mandal	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
424	Sk. Imdadul Islam	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
425	Mohd. Muktar Alom	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
426	Sk. Indaul Rahman	604/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
427	Mirza Saddum Hossen	604/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	05.06.2023
428	Mr. Sk. Mokhlesur Rahaman	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur	05.06.2023
429	Ms. Sahana Khatun	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur	05.06.2023
430	Mr. Jaynal Abedin Mollik	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur	05.06.2023
431	Sk. Mahfuz Rahaman	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
432	Mukim Ali Shah	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
433	Sk. Jahangir Alam	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
434	Rojina Khatun	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
435	Rajina Khatun	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
436	Mirja Mahammad Atik	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
437	Sk. Sadekul Islam	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
438	Sk. Misbahur Rahaman	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
439	Mirza Ibrahim Ali	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
440	Sk. Abdulla	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
441	A.H. Md. Alberuni	570/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
442	Md. Abbasuddin Sardar	585/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
443	Tridibesh Das	585/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	06.06.2023
444	Sk. Nobinewas	590/2023	Chuadanga Jr. High Madrasah	Paschim Medinipur	06.06.2023
445	Sk. Hasanur Jaman	590/2023	Chuadanga Jr. High Madrasah	Paschim Medinipur	06.06.2023
446	Sk. Moazzem	571/2023	Khaskhamar High Madrasah	Howrah	22.06.2023
447	Jiauddin Khan	571/2023	Khaskhamar High Madrasah	Howrah	22.06.2023
448	Abdul Alim Gazi	571/2023	Khaskhamar High Madrasah	Howrah	22.06.2023
449	Suvojit Khatua	571/2023	Khaskhamar High Madrasah	Howrah	22.06.2023
450	Seauli Rakhit	571/2023	Khaskhamar High Madrasah	Howrah	22.06.2023
451	Sima Rakhit	571/2023	Khaskhamar High Madrasah	Howrah	22.06.2023
452	Tabassum Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	Not appeared on any dates, Despite of receipt of
453	Tamasa Sarkar	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
454	Sahanara Parvin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
455	Sk. Afrajuddin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
456	Abdulla Molla	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
457	Md. Arifbilla Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
458	Rafique Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
459	Abdul Aziz Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
460	Sakina Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
461	Hasanur Zaman Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
462	Arlina Parvin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
463	Sonia Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
464	Milton Gazi	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	08.06.2023
465	Sk. Ahamadullah	4780/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	14.06.2023
466	Rakhi Kundu	370/2022	Bhagabanpur Girls High Madrasah	Malda	09.06.2023

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
467	Habiba Sultana	370/2022	Bhagabanpur Girls High Madrasah	Malda	09.06.2023
468	Rubinur Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda	09.06.2023
469	Rakesh De	373/2022	Batna J.M.O. Sr. Madrasah	Malda	09.06.2023
470	Md. Faridul Islam	373/2022	Batna J.M.O. Sr. Madrasah	Malda	09.06.2023
471	Mst. Rupa Khatun	373/2022	Batna J.M.O. Sr. Madrasah	Malda	09.06.2023
472	Arijit Purkait	373/2022	Batna J.M.O. Sr. Madrasah	Malda	09.06.2023
473	Gulsan Khatun	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	09.06.2023
474	Monirul Islam	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
475	Atiqur Rahaman	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
476	Sabbir Ahmed	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
477	Najema Khatun	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
478	Abdur Rahaman	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
479	Abdur Rahaman	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
480	Md. Malek	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
481	Nurun Nesa	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
482	Nurul Islam	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
483	Kawsera Begum	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
484	Manirul Hoque	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
485	Kabejul Islam	MA No. 110/2022 of D.No.	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
486	Sk Umar Faruque	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
487	Marufa Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
488	Md Ajmal Khan	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
489	Sk Abdul Salam	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
490	Pulak Bhanja	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
491	Sk Motahar	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
492	Bidesh Khatua	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	Date of Hearing
493	Md Sahabuddin Khan	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
494	Sk Monjurul Hossain	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
495	Firoja Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
496	Hasina Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	not appeared on any dates, Despite
497	Habiba Khatun	575/2023	Kaderia High Madrasah	North 24 Pgs	14.06.2023
498	Safikul Islam Dhali	584/2023	Kaderia High Madrasah	North 24 Pgs	21.06.2023

Madrasah wise list of the interested persons

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District	Date of Hearing
1	Sk. Asiruddin	FMA 915 of 2021	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	19.06.2023
2	Azad Mondal	SLP 3352 of 2021	Jamia Islamia Girls High Madrasah	North 24 Pgs	19.06.2023
3	Nijamuddin Khan	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
4	Sk. Sazzad Hossain	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
5	Sk. Abid Hossain	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
6	Md. Sabemiraj Ali Khan	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
7	Amina Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
8	Aliya Begam	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
9	Sk. Alauddin	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
10	Ayesha Siddikia	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
11	Khadija Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
12	Mayjamin Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	19.06.2023
13	Farukuddin Ahamed	General Applicants	Chhapna High Madrasah	North 24 Pgs	19.06.2023
14	Sarifa Khanam	General Applicants	Chhapna High Madrasah	North 24 Pgs	Not appeared
15	Nargis Parvin	General Applicants	Chhapna High Madrasah	North 24 Pgs	19.06.2023
16	Syed Marufa Parveen	General Applicants	Kumarpur High Madrasah	Purba Medinipur	19.06.2023
17	Syed Mahenur Ali	General Applicants	Kumarpur High Madrasah	Purba Medinipur	19.06.2023
18	Jiyasmin Khatun	General Applicants	Kumarpur High Madrasah	Purba Medinipur	19.06.2023
19	Sk. Abdul Basir	General Applicants	Kumarpur High Madrasah	Purba Medinipur	19.06.2023
20	Md. Mosaraf Ali Khan	General Applicants	Kumarpur High Madrasah	Purba Medinipur	19.06.2023
21	Mst. Ruksena Begam	General Applicants	Kumarpur High Madrasah	Purba Medinipur	19.06.2023
22	Ratan Mondal	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
23	Izaz Ahmed Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	Not appeared
24	Saifuddin Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
25	Md. Tarif Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District	Date of Hearing
26	Md. Rabiul Huda	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
27	Md. Masiur Rahaman Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
28	Md. Bahauddin Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
29	Md. Mushakali Mulla Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
30	Imrana Yeasmin Mondal	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
31	Sk. Muktar Ahamed	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
32	Md. Muftaba Ali Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
33	Sk. Azaharuddin	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
34	Rojina Khatun	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	21.06.2023
35	Priyanka Patra	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	21.06.2023
36	Reshma Parveen	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	21.06.2023
37	Sk. Md. Hedayetullah	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	21.06.2023
38	Anwar Sarkar	General Applicants	Margram High Madrasah (H.S)	Birbhum	21.06.2023
39	Kazi Md. Yiasin	General Applicants	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	21.06.2023
40	Abdul Hamid Sardar	General Applicants	Kaderia High Madrasah	North 24 Pgs	21.06.2023
41	Nasiruddin Shaikh	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
42	Sarifuddin Gazi	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	Not appeared
43	Ataur Rahaman Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
44	Oboydulla Sardar	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
45	Md. Sabir Hossain Khamaru	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
46	Md. Mustak Ali Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
47	Md. Azahar Uddin Sk	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
48	Md. Miraz Ali Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
49	Mahamudul Hassan Haldar	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
50	Md. Abujafar Middy	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023
51	Aspak Kazi	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	22.06.2023

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District	Date of Hearing
52	Ajoy Rakshit	General Applicants	Khaskhamar High Madrasah	Howrah	22.06.2023
53	Faruk Gazi	General Applicants	Khaskhamar High Madrasah	Howrah	Not appeared
54	Biswajit Shaw	General Applicants	Khaskhamar High Madrasah	Howrah	22.06.2023
55	Mirzanur Hassan	General Applicants	Khaskhamar High Madrasah	Howrah	Not appeared
56	Zohorul Islam	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
57	Abdul Wahed	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
58	Abdul Wakil	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
59	Md. Shamim Ashraf	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023
60	Md. Khursid Alam	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	12.06.2023

Annexure-XVIII**List of Contempt Petitions vide petitioners along with the concerned Madrasah**

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
1	Md. Rakibul Islam	577/2023	Amdanga Kendriya Siddiquia Hamidia Sr. Madrasah (Fazil)	North 24 Pgs
2	Ramiz Raj Khan	371/2022	Chengail High Madrasah	Howrah
3	Lal Mahammad Khan	376/2022	Rongmohol Quorania High Madrasah (H.S)	Howrah
4	Sk Ramjan Ali	376/2022	Rongmohol Quorania High Madrasah (H.S)	Howrah
5	Nasima Bibi (Khatun)	355/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs
6	Sk. Manjur Ali	355/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs
7	Md. Ismail	362/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
8	Sk Aniqul Islam	362/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
9	Nazrul Islam	362/2022	Bheramari A.M. High Madrasah	Birbhum
10	Makhan Mondal	362/2022	Bheramari A.M. High Madrasah	Birbhum
11	Suraiya Zamil	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
12	Dr. Rozina Khatun	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
13	Safiur Rahman	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
14	Md. Ashraful Haque	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
15	Md. Rafique Mandal	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
16	Sk. Tamijuddin	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
17	Ushuf Seikh	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
18	Nafijul Molla	354/2022	Bheramari A.M. High Madrasah	Birbhum
19	Sk. Yasin	354/2022	Bheramari A.M. High Madrasah	Birbhum
20	Parsona Khatun	354/2022	Bheramari A.M. High Madrasah	Birbhum
21	Md. Saidul Islam	354/2022	Margram High Madrasah (H.S)	Birbhum
22	Asiul Sahana	354/2022	Margram High Madrasah (H.S)	Birbhum
23	Md. Haider Ansari	354/2022	Margram High Madrasah (H.S)	Birbhum
24	Sk. Jasimuddin	354/2022	Margram High Madrasah (H.S)	Birbhum
25	Goutam Kumar Das	354/2022	Margram High Madrasah (H.S)	Birbhum

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
26	Md. Noman Habib	354/2022	Margram High Madrasah (H.S)	Birbhum
27	Jasimuddin Molla	354/2022	Margram High Madrasah (H.S)	Birbhum
28	Tuhinarani Khatun	354/2022	Margram High Madrasah (H.S)	Birbhum
29	Sk. Injamamul Hoque	354/2022	Margram High Madrasah (H.S)	Birbhum
30	Md. Lichu Seikh	354/2022	Margram High Madrasah (H.S)	Birbhum
31	Riaz Kajal	354/2022	Margram High Madrasah (H.S)	Birbhum
32	Lilufa Yasmin	503/2022	Takipur High Madrasah	Murshidabad
33	Channnihar Khatun	503/2022	Takipur High Madrasah	Murshidabad
34	Ayesha Siddika	503/2022	Takipur High Madrasah	Murshidabad
35	Md. Mohibul Sk.	503/2022	Takipur High Madrasah	Murshidabad
36	Md. Hasibur Rahaman	503/2022	Takipur High Madrasah	Murshidabad
37	Samiul Kabir	503/2022	Takipur High Madrasah	Murshidabad
38	Rekha Khatun	503/2022	Takipur High Madrasah	Murshidabad
39	Najma Khatun	503/2022	Takipur High Madrasah	Murshidabad
40	Sufia Khatun	503/2022	Takipur High Madrasah	Murshidabad
41	Dipak Kr. Saha	503/2022	Takipur High Madrasah	Murshidabad
42	Md. Masud Alam	587/2022	Dhuliyani High Madrasah	Murshidabad
43	Morsalim Hossain	587/2022	Dhuliyani High Madrasah	Murshidabad
44	Ismail Sk	587/2022	Dhuliyani High Madrasah	Murshidabad
45	Md. Azmal Hossain	587/2022	Dhuliyani High Madrasah	Murshidabad
46	Arif Hossain	601/2023	Dhuliyani High Madrasah	Murshidabad
47	Ismail Sk	601/2023	Dhuliyani High Madrasah	Murshidabad
48	Md. Asmaul Kholifa	601/2023	Dhuliyani High Madrasah	Murshidabad
49	Poly Khatun	601/2023	Dhuliyani High Madrasah	Murshidabad
50	Md Nazrul Islam	366/2022	Sahadiar High Madrasah (H.S)	Murshidabad
51	Nasirul Hossain	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad
52	Shikha Khatun	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
53	Sabina Yasmin	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad
54	Mst. Bulti Khatun	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad
55	Md Bush Sk	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad
56	Md Samir Hoosain	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad
57	Sk Abdullah	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad
58	Mehedi Hasan	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad
59	Md Rofikuzzaman	505/2022	Debkunda High Madrasah	Murshidabad
60	Intiazuddin Ahmed	505/2022	Debkunda High Madrasah	Murshidabad
61	Mustakim	505/2022	Debkunda High Madrasah	Murshidabad
62	Md Raja Hossain Mallick	505/2022	Debkunda High Madrasah	Murshidabad
63	Md Masiullah Sk	505/2022	Debkunda High Madrasah	Murshidabad
64	Mst. Saira Banu	505/2022	Debkunda High Madrasah	Murshidabad
65	Aneba Khatun	505/2022	Debkunda High Madrasah	Murshidabad
66	Mst. Rajiun Kasfima	505/2022	Debkunda High Madrasah	Murshidabad
67	Golam Mortuja	596/2023	Debkunda High Madrasah	Murshidabad
68	Md. Samiul Kabir	596/2023	Debkunda High Madrasah	Murshidabad
69	Md. Delwar Hossain	572/2023	D.B.S. Junior High Madrasah For Girls	Murshidabad
70	Ahammod Hossain	500/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
71	Ekramul Haque	500/2022	Metekona High Madrasah	Birbhum
72	Mohosina Khatun	600/2023	Metekona Moulana Abu Taher Senior Madrasah	Birbhum
73	Javed Aktar Mollah	517/2022	Mahidapur High Madrasah (H.S)	Birbhum
74	Samim Mollah	517/2022	Mahidapur High Madrasah (H.S)	Birbhum
75	Sekh Amirul	517/2022	Mahidapur High Madrasah (H.S)	Birbhum
76	Sk Johir Uddin	517/2022	Mahidapur High Madrasah (H.S)	Birbhum
77	Sohel Rana	517/2022	Margram High Madrasah (H.S)	Birbhum
78	Sk Sahabuddin	517/2022	Margram High Madrasah (H.S)	Birbhum
79	Mahammad Ali	517/2022	Margram High Madrasah (H.S)	Birbhum

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
80	Manowara Khatun	517/2022	Margram High Madrasah (H.S)	Birbhum
81	Manijul Sk	379/2022	Aleya High Madrasah	Nadia
82	Chumki Khatun	506/2022	Akandadanga High Madrasah	Nadia
83	Samrat Sha Fakir	506/2022	Akandadanga High Madrasah	Nadia
84	Sahina Khatun	507/2022	Akandadanga High Madrasah	Nadia
85	Hasan Sk	507/2022	Akandadanga High Madrasah	Nadia
86	Hafizur Rahaman Mir	507/2022	Akandadanga High Madrasah	Nadia
87	Md. Rahul Sk.	507/2022	Akandadanga High Madrasah	Nadia
88	Mainuddin Mandal	377/2022	Kethardanga High Madrasah	Bankura
89	Motibul Dalal	377/2022	Kethardanga High Madrasah	Bankura
90	Titulal Ghosh	377/2022	Kethardanga High Madrasah	Bankura
91	Lipika Haldar	494/2022	Kethardanga High Madrasah	Bankura
92	Kheyrunnesa Begam	494/2022	Kethardanga High Madrasah	Bankura
93	Sk. Aniulla	494/2022	Kethardanga High Madrasah	Bankura
94	Riajul Bhuian	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
95	Oliullah Mallick	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
96	Niladri Mishra	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
97	Dayamoy Kari	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
98	Sunanda Dana	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
99	Swati Mandal	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
100	Rumpa Dey	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
101	Sk Samaul	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
102	Abdul Hamid Khan	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
103	Sirajul Bayen	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura
104	Maruk Karfi	508/2022	Sammilani High Madrasah	Bankura
105	Sahnawaz Khan	516/2022	Kethardanga High Madrasah	Bankura
106	Jahidul Mondal	516/2022	Morar High Madrasah	Bankura

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
107	Asmaul Husna	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
108	Abdulla Tarafdar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
109	Injimamul Hossain	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
110	Rita Farmuda Yesmin	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
111	Sk Mahabur Rahaman	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
112	Jesmin Nahar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
113	Md Abdur Rahaman Gazi	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
114	Safiul Haque Mistry	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
115	Moumita Mondal	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
116	Rajaul Atker Alam	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
117	Aparesb Mandal	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
118	Md Mahafuzar Rahaman Laskar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
119	Nashrin Parveen	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
120	Md Mohinul Haque Molla	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
121	Abul Hasan Molla	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
122	Arzina Sahaji	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
123	Mosaddek Hossain	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
124	Siddiquallah Gazi	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
125	Azizur Rahaman Molla	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
126	Sabir Uddin Mir	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
127	Sanjay Mondal	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs
128	Sahinur Rahaman Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs
129	Abdul Kaiyum Mondal	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs
130	Ummey Habiba	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs
131	Sazia Karim	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs
132	Abu Hossain Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs
133	Ebrahim Gain	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
134	Md. Jahangir Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs
135	Safiqul Islam	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
136	Mosura Khatun	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
137	Sakina Khatun	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
138	Md Mirajul Gazi	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
139	Md Nuruddin Molla	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
140	Sajjat Ali Mollah	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
141	Khalada Parvin	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
142	Jahangir Hossain	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
143	Kutubuddin Mondal	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
144	Md Mahmudur Rahman Laskar	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
145	Hasanujjaman Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
146	Hammad Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
147	Md Hafizul Islam Dhali	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
148	Md Sariful Islam Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
149	Jahangir Hossain Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
150	Sahanur Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
151	Md Habibullah Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs
152	Md Ilias Sarif Molla	575/2023	Kaderia High Madrasah	North 24 Pgs
153	Gour Pada Mandal	575/2023	Kaderia High Madrasah	North 24 Pgs
154	Md Jahangir Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs
155	Chhabir Ali Mondal	575/2023	Kaderia High Madrasah	North 24 Pgs
156	Abu Bakkar Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs
157	Abdur Razzak Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs
158	Somnath Biswas	575/2023	Kaderia High Madrasah	North 24 Pgs
159	Soma Biswas	575/2023	Kaderia High Madrasah	North 24 Pgs
160	Md. Shahnawoz Molla	575/2023	Kaderia High Madrasah	North 24 Pgs

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
161	Rupa Khatun	575/2023	Kaderia High Madrasah	North 24 Pgs
162	Firozuddin Ahammed	575/2023	Kaderia High Madrasah	North 24 Pgs
163	Md. Rakibul Hasan Mondal	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
164	Azad Rahman	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
165	Marium Khatun	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
166	Mijanur Rahman	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
167	Md. Salauddin Gazi	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
168	Amjad Ali Sardar	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
169	Kamal Hossain Gazi	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
170	Md. Hasanuzzaman	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
171	Mustafir Ahmed	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
172	Zahira Khatoon	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
173	Sk. Sariful Alam	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
174	Sk. Jahangir Alam	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs
175	Ashmina Khatun	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs
176	Abu Bakkar Mondal	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs
177	Sk Azahar Uddin	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs
178	Rajjak Laskar	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs
179	Nakib Uddin Molla	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs
180	Md Samsul Arifin	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs
181	Anisha Parven	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
182	Mr Md Nzimuddin Molla	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
183	Mr. Fazlul Haque Mollick	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
184	Mr. Md. Abu Hasim Khan	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
185	Mr. Md. Ashahul Hoque Molla	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
186	Mr. Sayed Mafijul Ali	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
187	Mr. Sk. Abdullal Al Faruque	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
188	Sahana Khatun (Begam)	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
189	Sahina Yeamin	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
190	Situma Tajrin	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs
191	Md. Obaidullah Raj	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs
192	Salma Sultana	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs
193	Md. Samsur Rahman Mallick	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs
194	Srikrishna Mondal	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs
195	Md. Omar Faruque Sardar	582/2023	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs
196	Mr. Sheikh Arif Mohammad	582/2023	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs
197	Abdul Momen Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
198	Masum Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
199	Abdus Selim Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
200	Lipika Mondal	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
201	Parvez Ahamed Mollick	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
202	Tahamina Khatun	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
203	Md. Safiqul Alam Mollick	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
204	Sahanaj Parveen	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
205	Mabuda Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
206	Rexona Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
207	Fatema Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
208	Mst. Salma Parvin	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
209	Abdul Karim Mondal	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
210	Ashib Mondal	610/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs
211	Jinat Parveen	566/2023	Ajangachi High Madrasah	Howrah
212	Niroja Jafrin	566/2023	Ajangachi High Madrasah	Howrah
213	Nikhat Parveen	566/2023	Chengail High Madrasah	Howrah
214	Nafisa Ali	566/2023	Chengail High Madrasah	Howrah

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
215	Imran Khan	566/2023	Chengail High Madrasah	Howrah
216	Shek Noushad Ali	566/2023	Chengail High Madrasah	Howrah
217	Sk. Abdul Salam	580/2023	Chengail High Madrasah	Howrah
218	Papu Jana	580/2023	Chengail High Madrasah	Howrah
219	Anita Maity	580/2023	Chengail High Madrasah	Howrah
220	Sabina Islam	580/2023	Chengail High Madrasah	Howrah
221	Sk. Nazmul Hossein	580/2023	Chengail High Madrasah	Howrah
222	Arun Pal	580/2023	Chengail High Madrasah	Howrah
223	Amit Das	580/2023	Chengail High Madrasah	Howrah
224	Sk. Abdur Rafik	580/2023	Chengail High Madrasah	Howrah
225	Sk. Anisur Rahaman	580/2023	Chengail High Madrasah	Howrah
226	Ashadul Mondal	580/2023	Chengail High Madrasah	Howrah
227	Sourav Maity	580/2023	Chengail High Madrasah	Howrah
228	Tanmoy Pal	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
229	Barun Maity	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
230	Sandipan Pahari	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
231	Mahammad Mehboob Hossain	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
232	Subhasish Pulai	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
233	Santu Mandal	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
234	Md. Masud Laskar	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
235	Najma Khatun	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
236	Mr. Nur Mahammad Ali Sha	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur
237	Arjina Khatun	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur
238	Sk Ajmal Alam	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur
239	Sudarshan Jana	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur
240	Papu Ali Saha	509/2023	Mandarpur High Madrasah	Purba Medinipur
241	Md Sujauddin Halder	509/2023	Mandarpur High Madrasah	Purba Medinipur

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
242	Munmun Das (Sahu)	509/2023	Mandarpur High Madrasah	Purba Medinipur
243	Saleha Khatun	509/2023	Mandarpur High Madrasah	Purba Medinipur
244	Roshnara Bibi	509/2023	Mandarpur High Madrasah	Purba Medinipur
245	Sabina Yesmin Shah	374/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur
246	Moumita Poddar	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri
247	Debajani Dutta	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri
248	Abu Hossain	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri
249	Md. Wahedul Islam	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri
250	Sahajan Md	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri
251	Saddam Hussain	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri
252	Ebrahim Md.	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri
253	Sk. Aslam Ali	569/2023	Bijoyramchawk Haji Ahammad Ali High Madrasah (H.S.)	Purba Medinipur
254	Sk. Sartaj Ali	569/2023	Bijoyramchawk Haji Ahammad Ali High Madrasah (H.S.)	Purba Medinipur
255	Sk Mugle Azam	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur
256	Sharmadeb Jana	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur
257	Sourav Das	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur
258	Sk. Jafar Ali	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur
259	Mahbuba Khatun	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur
260	Smt. Papi Das Roy	380/2022	Mathabhanga High Madrasah	Coochbehar
261	Emran Miyan	380/2022	Mathabhanga High Madrasah	Coochbehar
262	Indrajit Paul	380/2022	Mathabhanga High Madrasah	Coochbehar
263	Moksadul Alam	380/2022	Mathabhanga High Madrasah	Coochbehar
264	Mr. Naren Chandra Modak	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
265	Mr. Sahajamal Khandakar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
266	Mr.Sukhamay Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
267	Asrafi Khanam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
268	Mr. Mehmud Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar

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269	Subha Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
270	Ekramul Alam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
271	Jahurul Hoque Mondal	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
272	Firdus Rahaman	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
273	Baharul Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
274	Md Bin Kalam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
275	Jashimuddin Miah	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
276	Suriya Akter Banu	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar
277	Abdur Rahim Mallik	MA No. D.No. 110/30 of	Kalmati High Madrasah (H.S.)	Coochbehar
278	Nur Jamal Hossain Mallik	MA No. D.No. 110/30 of	Kalmati High Madrasah (H.S.)	Coochbehar
279	Md Mir Mosarraf Hossain	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda
280	A.B. Tarikur Reja	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda
281	Mst. Samina Yesmin	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda
282	Priyanka Katiyar	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda
283	Mastara Khatun	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda
284	Oliur Rahaman	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda
285	Abu Hayat	608/2023	Milangarh Sajjadia High Madrasah (H.S)	Malda
286	Md. Saheb	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda
287	Nasima Akhtar Banu	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda
288	Fatematuj Johara	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda
289	Md. Selim	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda
290	Jiaur Rahaman	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda
291	Md Tajamul Hoque	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda
292	Md Zakir Hossain	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda
293	Fakuruddin	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda
294	Md Monirul Islam	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda
295	Md Eliyas	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda

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296	Rijia Sultana	515/2022	Bhabanipur Model High Madrasah (H.S)	Malda
297	Md Jubair Ali	515/2022	Bhabanipur Model High Madrasah (H.S)	Malda
298	Manowara Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda
299	Samima Nasrin	370/2022	Bhagabanpur Girls High Madrasah	Malda
300	Shelina Parvin	370/2022	Bhagabanpur Girls High Madrasah	Malda
301	Rojina Parveen	370/2022	Bhagabanpur Girls High Madrasah	Malda
302	Nibedita Banik	370/2022	Bhagabanpur Girls High Madrasah	Malda
303	Mst. Halima Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda
304	Dipannita Mandal	373/2022	Batna J.M.O. Sr. Madrasah	Malda
305	Miarul Hoque	373/2022	Batna J.M.O. Sr. Madrasah	Malda
306	Md Jahangir Alam	373/2022	Batna J.M.O. Sr. Madrasah	Malda
307	Rojina Parvin	373/2022	Batna J.M.O. Sr. Madrasah	Malda
308	Md Esrar Hossain	373/2022	Batna J.M.O. Sr. Madrasah	Malda
309	Md Ayub Ali Molla	373/2022	Batna J.M.O. Sr. Madrasah	Malda
310	Sahenur Parvin	373/2022	Batna J.M.O. Sr. Madrasah	Malda
311	Rakesh Gazi	373/2022	Batna J.M.O. Sr. Madrasah	Malda
312	Selima Yeasmin	568/2023	J.H.R. Sr. Madrasah	Malda
313	Hasanul Jamal	568/2023	J.H.R. Sr. Madrasah	Malda
314	Md. Wasim Tarik	568/2023	J.H.R. Sr. Madrasah	Malda
315	Nasrin Jahan	568/2023	J.H.R. Sr. Madrasah	Malda
316	Selim Aktar	568/2023	J.H.R. Sr. Madrasah	Malda
317	Wasim Reja	497/2022	J.H.R. Sr. Madrasah	Malda
318	Md. Ebrahim	578/2023	J.H.R. Sr. Madrasah	Malda
319	Md. Robiul Islam	611/2023	J.H.R. Sr. Madrasah	Malda
320	Benajir Yeasmin	495/2022	Mitna Solemania High Madrasah (H.S)	Malda
321	Saibur Rahaman	495/2022	Mitna Solemania High Madrasah (H.S)	Malda
322	Mst. Nuzhat Banu	495/2022	Mitna Solemania High Madrasah (H.S)	Malda

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
323	Manirul Hoque	495/2022	Mitna Solemania High Madrasah (H.S)	Malda
324	Md Nasim	495/2022	Mitna Solemania High Madrasah (H.S)	Malda
325	Md Sariful Islam	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda
326	Md Safiul Alam	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda
327	Selim Sk	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda
328	Abdul Wahab	576/2023	Malgaon T.M.O. Sr. Madrasah	Uttar Dinajpur
329	Md. Mahmud Ashraf	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
330	Md. Raquib Azam	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
331	Md. Anwer Reza	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
332	Abdur Rahman	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
333	Md. Shams Tabrez	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
334	Md. Asgar Alam	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
335	Md. Haidar Ali	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
336	Md. Irfan Razi Ansari	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
337	Md. Jamiruddin	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
338	Laila Anjuman	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
339	Md. Tanwer Ashraf	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
340	Rezaul Haque	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
341	Sk. Arif Hussain	583/2023	Harbhanga High Madrasah	Uttar Dinajpur
342	Md. Sadique Alam	592/2023	Harbhanga High Madrasah	Uttar Dinajpur
343	Ghulam Ansar	592/2023	Harbhanga High Madrasah	Uttar Dinajpur
344	Mr. Mizanur Rahaman Molla	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs
345	Mr. Nawaz Sharif Mali	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs
346	Nasrin Parveen	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs
347	Queen Arifa Sultana	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs
348	Md. Almasul Islam Mondal	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs
349	Tania Parveen	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
350	Mr. Jaydave Paria	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs
351	Mr. Sk. Sohel Mia	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs
352	Mr. Mizanur Rahaman Mufti	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs
353	Rabiul Molla	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs
354	Aparup Saha	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs
355	Nali Sardar	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs
356	Sourav Das	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs
357	Anik Halder	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs
358	Nilufar Tabassum	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs
359	Gopal Chandra Sahoo	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs
360	Sabina Yesmin	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs
361	Rajlaxmi Das	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs
362	Kishar Sasmal	597/2023	Ajangachi High Madrasah	Howrah
363	Panchanan Malik	597/2023	Ajangachi High Madrasah	Howrah
364	Md. Kousir Ali	597/2023	Ajangachi High Madrasah	Howrah
365	Soma Das Pal	597/2023	Ajangachi High Madrasah	Howrah
366	Pratima Jana	586/2023	Ajangachi High Madrasah	Howrah
367	Amit Rana	586/2023	Ajangachi High Madrasah	Howrah
368	Sital Bera	606/2023	Chengail High Madrasah	Howrah
369	Mitupriya Jana	603/2023	Chengail High Madrasah	Howrah
370	Sk Ataur Rahaman	365/2022	Chengail High Madrasah	Howrah
371	Sk. Akhtar Ali	365/2022	Chengail High Madrasah	Howrah
372	Md Sujauddin	365/2022	Chengail High Madrasah	Howrah
373	Sk. Md. Abu Usuf Ali	602/2023	Chengail High Madrasah	Howrah
374	Sk Nasibur Rahaman	591/2023	Chengail High Madrasah	Howrah
375	Md. Ibrahim Mallick	363/2022	Nimdighi High Madrasah	Howrah
376	Arsed Mollah	363/2022	Nimdighi High Madrasah	Howrah

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
377	Serina Yasmin	363/2022	Nimdighi High Madrasah	Howrah
378	Farhana Parvin	609/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah
379	Sk. Samsul Bari	609/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah
380	Shaikh Ainul Ali	589/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah
381	Rubina Amin	589/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah
382	Kazi Md. Jahirul Hassan	565/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah
383	Md Wasim Bari Khan	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur
384	Sk Samim Ali	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur
385	Najma Khatun	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur
386	Maidul Ali Shah	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur
387	Sonali Khatun	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur
388	Sk Aual Tullah	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur
389	Deen Mahammad	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur
390	Kangkan Giri	352/2022	Majna High Madrasah	Purba Medinipur
391	Mortoja Rahaman	352/2022	Majna High Madrasah	Purba Medinipur
392	Sk Sefayet Tulla	352/2022	Majna High Madrasah	Purba Medinipur
393	Taslima Khatun	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur
394	Sk Insan Ali	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur
395	Mir Rahed	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur
396	Aleya Khatun	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur
397	Sk Lazim	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur
398	Sk Abdul Mannan	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur
399	Sk Rabiul Rahaman	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur
400	Snehasis Giri	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
401	Goutam Panja	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
402	Rajkumar Bag	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
403	Anima Guria	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
404	Sabyasachi Ghanti	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
405	Yeasminara Khatun	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
406	Mousumi Pahari	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
407	Akash Das	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
408	Piyali Das	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
409	Md. Abu Hassan	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
410	Muntahuj Jaman Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
411	Mujahid Ali Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
412	Asfaque Hossain	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
413	Sk. Saifuudin	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
414	Sk. Islam Uddin	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
415	Mojahedul Islam	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
416	Mahiul Islam	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
417	Abdul Rakib Ali Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
418	Sk Imdadul Tulla	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur
419	Mst Sabrina Khatun	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
420	Rahaman Ali Shah	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
421	Souvik Som	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
422	Mst. Sabana Parvin	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
423	Nayan Mandal	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
424	Sk. Imdadul Islam	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
425	Mohd. Muktar Alom	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
426	Sk. Indaul Rahman	604/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
427	Mirza Saddum Hossen	604/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur
428	Mr. Sk. Mokhlesur Rahaman	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur
429	Ms. Sahana Khatun	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur
430	Mr. Jaynal Abedin Mollik	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
431	Sk. Mahfuz Rahaman	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
432	Mukim Ali Shah	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
433	Sk. Jahangir Alam	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
434	Rojina Khatun	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
435	Rajina Khatun	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
436	Mirja Mahammad Atik	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
437	Sk. Sadekul Islam	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
438	Sk. Misbahur Rahaman	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
439	Mirza Ibrahim Ali	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
440	Sk. Abdulla	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
441	A.H. Md. Alberuni	570/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
442	Md. Abbasuddin Sardar	585/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
443	Tridibesh Das	585/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur
444	Sk. Nobinewas	590/2023	Chuadanga Jr. High Madrasah	Paschim Medinipur
445	Sk. Hasanur Jaman	590/2023	Chuadanga Jr. High Madrasah	Paschim Medinipur
446	Sk. Moazzem	571/2023	Khaskhamar High Madrasah	Howrah
447	Jiauddin Khan	571/2023	Khaskhamar High Madrasah	Howrah
448	Abdul Alim Gazi	571/2023	Khaskhamar High Madrasah	Howrah
449	Suvojit Khatua	571/2023	Khaskhamar High Madrasah	Howrah
450	Seauli Rakhit	571/2023	Khaskhamar High Madrasah	Howrah
451	Sima Rakhit	571/2023	Khaskhamar High Madrasah	Howrah
452	Tabassum Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
453	Tamasa Sarkar	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
454	Sahanara Parvin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
455	Sk. Afrajuddin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
456	Abdulla Molla	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
457	Md. Arifbilla Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
458	Rafique Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
459	Abdul Aziz Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
460	Sakina Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
461	Hasanur Zaman Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
462	Arlina Parvin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
463	Sonia Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
464	Milton Gazi	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
465	Sk. Ahamadullah	4780/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs
466	Rakhi Kundu	370/2022	Bhagabanpur Girls High Madrasah	Malda
467	Habiba Sultana	370/2022	Bhagabanpur Girls High Madrasah	Malda
468	Rubinur Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda
469	Rakesh De	373/2022	Batna J.M.O. Sr. Madrasah	Malda
470	Md. Faridul Islam	373/2022	Batna J.M.O. Sr. Madrasah	Malda
471	Mst. Rupa Khatun	373/2022	Batna J.M.O. Sr. Madrasah	Malda
472	Arijit Purkait	373/2022	Batna J.M.O. Sr. Madrasah	Malda
473	Gulsan Khatun	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda
474	Monirul Islam	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
475	Atiqur Rahaman	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
476	Sabbir Ahmed	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
477	Najema Khatun	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
478	Abdur Rahaman	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
479	Abdur Rahaman	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
480	Md. Malek	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
481	Nurun Nesa	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
482	Nurul Islam	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
483	Kawsera Begum	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
484	Manirul Hoque	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District
485	Kabejul Islam	MA No. D.No. 110/30 of	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur
486	Sk Umar Faruque	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
487	Marufa Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
488	Md Ajmal Khan	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
489	Sk Abdul Salam	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
490	Pulak Bhanja	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
491	Sk Motahar	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
492	Bidesh Khatua	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
493	Md Sahabuddin Khan	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
494	Sk Monjurul Hossain	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
495	Firoja Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
496	Hasina Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur
497	Habiba Khatun	575/2023	Kaderia High Madrasah	North 24 Pgs
498	Safikul Islam Dhali	584/2023	Kaderia High Madrasah	North 24 Pgs

To

The chairman,

Committee constituted by Supreme Court on 02.02.2023.

Sub: Complain against recruitment of teaching and non-teaching staff in Chudanga High Madrasah, Paschim Medinipur.

Respected Sir,

This is to inform you that a large number of teaching and non-teaching staff have been recruited in Chudanga Jr. High Madrasah, Paschim Medinipur, including the petitioners in Contempt Petition NO 177 of 2022 and 590 of 2023.

I am to declare that the contempt petition NO. 177 of 2022 has been dismissed and withdrawn in Hon'ble Supreme Court, but in spite of that, they are getting salary from D.I., Paschim Medinipur. But they are not regular teachers/non-teaching staff.

The other two contempt petitioners were called by the Committee for hearing when the so-called Headmistress was not present at that time.

I now request you to kindly call me as interested person, for which I can submit some documents and also make submission.

yours faithfully,

Md Ahsanul Rehman

Asst Teacher

Kaderia High Madrasah (H.S.)

M- 9830949610

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(Contents not verified)

15/2/22

Committee formed vide
Notification No.- 485-MD,
dated- 28-02-2023 of
MA & ME Department, W.B

Place - Noakhali 20 parganas

Date - 23/08/2023

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 177 OF 2022

IN

CIVIL APPEAL NO. 5808 OF 2017

MAMANI SASMAL @ FARIHA TABASHUM & ORS.Petitioner(s)

Vs.

CHAPESWAR SARDARRespondent(s)

O R D E R

The petitioners had urged non-compliance with the judgment in this Court to the extent that arrears of salary had not been paid although current salary is being paid and they are working.

After arguing for some time, learned senior counsel sought liberty to withdraw the petition.

It is made clear that the question of arrears would not be re-agitated in any other Forum.

The petition is dismissed as withdrawn.

.....J.
(S. RAVINDRA BHAT)

.....J
(DIPANKAR DATTA)

Signature Not Verified
Digitally signed by
NEETA SAPRA
Date: 2023.01.30
17:32:50 IST
Reason: 

New Delhi;
January 25, 2023

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 177/2022 in C.A. No. 5808/2017

MAMANI SASMAL @ FARIHA TABASHUM & ORS.

Petitioner(s)

VERSUS

CHAPESWAR SARDAR

Respondent(s)

(IA No. 200574/2022 - DISCHARGE OF ADVOCATE ON RECORD, IA No. 162687/2022 - INTERVENTION APPLICATION and IA No. 2842/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES)

WITH

CONMT.PET.(C) No. 513/2022 in C.A. No. 5808/2017 (XVI)

Diary No(s). 26444/2022 (XVI)

(IA No. 120816/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 26491/2022 (XVI)

(IA No. 121086/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 26494/2022 (XVI)

(IA No. 121097/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 28769/2022 (XVI)

(IA No. 134527/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 31083/2022 (XVI)

(IA No. 146201/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 31438/2022 (XVI)

(IA No. 147946/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 30666/2022 (XVI)

(IA No. 144191/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 30680/2022 (XVI)

(IA No. 144257/2022 - APPLICATION FOR PERMISSION

IA No. 162818/2022 - INTERVENTION/IMPLEADMENT)

Diary No(s). 26487/2022 (XVI)

(IA No. 121067/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 26469/2022 (XVI)

(IA No. 120908/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 26467/2022 (XVI)

(IA No. 120897/2022 - APPLICATION FOR PERMISSION)

CONMT.PET.(C) No. 514/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 515/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 498/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 516/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 517/2022 in C.A. No. 5808/2017 (XVI)

Diary No(s). 26462/2022 (XVI)

(IA No. 120880/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 26464/2022 (XVI)

(IA No. 120883/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 30663/2022 (XVI)

(IA No. 144177/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 31670/2022 (XVI)

(IA No. 149050/2022 - APPLICATION FOR PERMISSION

IA No. 162846/2022 - INTERVENTION/IMPLEADMENT)

Diary No(s). 31780/2022 (XVI)

(IA No. 149384/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 32494/2022 (XVI)

(IA No. 152665/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 32497/2022 (XVI)

(IA No. 152678/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 32506/2022 (XVI)

(IA No. 152724/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 32511/2022 (XVI)

(IA No. 152766/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 33710/2022 (XVI)

(IA No. 159211/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 33736/2022 (XVI)

(IA No. 159343/2022 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No(s). 34013/2022 (XVI)

(IA No. 160530/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 34060/2022 (XVI)

(IA No. 160645/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 34065/2022 (XVI)

(IA No. 160651/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 34253/2022 (XVI)
(IA No. 161317/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 34296/2022 (XVI)
(IA No. 161439/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 34340/2022 (XVI)
(IA No. 161670/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 32500/2022 (XVI)
(IA No. 152685/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 32502/2022 (XVI)
(IA No. 152697/2022 - APPLICATION FOR PERMISSION)

SLP(C) No. 3352/2021 (XVI)

(IA No. 27783/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 3285/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 63964/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 59358/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 353/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 354/2022 in C.A. No. 5808/2017 (XVI)
(IA No. 163974/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 355/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 364/2022 in C.A. No. 5808/2017 (XVI)

(IA No. 5531/2023 - DISCHARGE OF ADVOCATE ON RECORD and IA No. 116354/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 365/2022 in C.A. No. 5808/2017 (XVI)

(IA No. 116352/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 366/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 367/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 368/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 369/2022 in C.A. No. 5808/2017 (XVI)

(IA No. 162885/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 370/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 371/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 372/2022 in C.A. No. 5808/2017 (XVI)
(IA No. 162889/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 373/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 374/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 494/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 512/2022 in C.A. No. 5808/2017 (XVI)

Diary No(s). 31442/2022 (XVI)
(IA No. 147954/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 31472/2022 (XVI)
(IA No. 148098/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 31569/2022 (XVI)
(IA No. 148584/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 31622/2022 (XVI)
(IA No. 148857/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 31674/2022 (XVI)
(IA No. 149062/2022 - CONTEMPT PETITION)

Diary No(s). 32505/2022 (XVI)
(IA No. 152708/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 39408/2022 (XVI)
(IA No. 188844/2022 - APPLICATION FOR PERMISSION)

CONMT.PET.(C) No. 360/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 361/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 362/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 363/2022 in C.A. No. 5808/2017 (XVI)

(IA No. 116571/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES)

CONMT.PET.(C) No. 375/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 376/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 377/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 503/2022 in C.A. No. 5808/2017 (XVI)
(IA No. 163967/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 504/2022 in C.A. No. 5808/2017 (XVI)

(IA No. 151013/2022 - EXEMPTION FROM FILING O.T., IA No. 151012/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 505/2022 in C.A. No. 5808/2017 (XVI)

(IA No. 164380/2022 - EXEMPTION FROM FILING O.T.
IA No. 164378/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 506/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 507/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 508/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 509/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 352/2022 in C.A. No. 5808/2017 (XVI)

(IA No. 84771/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES)

CONMT.PET.(C) No. 378/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 379/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 380/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 495/2022 in C.A. No. 5808/2017 (XVI)

(IA No. 162865/2022 - INTERVENTION/IMPLEADMENT
IA No. 147075/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES)

CONMT.PET.(C) No. 496/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 497/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 499/2022 in C.A. No. 5808/2017 (XVI)
(IA No. 151244/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 500/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 501/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 502/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 510/2022 in C.A. No. 5808/2017 (XVI)

CONMT.PET.(C) No. 511/2022 in C.A. No. 5808/2017 (XVI)

Diary No(s). 40504/2022 (XVI)
(IA No. 194712/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 42287/2022 (XVI)
(IA No. 203162/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 35108/2022 (XVI)
(IA No. 165163/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 35111/2022 (XVI)
(IA No. 165167/2022 - APPLICATION FOR PERMISSION)

Diary No(s). 557/2023 (XVI)
(IA No. 1950/2023 - APPLICATION FOR PERMISSION)

Diary No(s). 811/2023 (XVI)
(IA No. 3251/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No(s). 1615/2023 (XVI)
(IA No. 7412/2023 - APPLICATION FOR PERMISSION)

Diary No(s). 3030/2023 (XVI)
(IA No. 14717/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 25-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Rajeev Kumar Gupta, Adv.
Mr. Abu Soail, Adv.
Mr. Parminder Singh Bhullar, AOR

Mr. Pijush Kanti Roy, Adv.
Mrs. Kakali Roy, Adv.
Ms. Kakali Roy, Adv.
Mr. Nayeemul Haq, Adv.
Mr. Rajan K. Chourasia, AOR
Ms. Ankita Sharma, Adv.

Mr. Atulesh Kumar, AOR

Mr. Biswroop Bhattacharya, Adv.
Mr. Golam Mohinddin, Adv.
Mr. Anindo Mukherjee, Adv.
Mr. Chand Qureshi, AOR

Mr. Jaideep Gupta, Sr. Adv.
Mr. Atarup Banerjee, Adv.
Mr. Sunando Raha, Adv.
Mr. Abu Sohel, Adv.

Mr. Supratik Sarkar, Adv.
Mr. Nishant Kumar, Adv.
Mr. Pulkit Agarwal, AOR

Mr. P.S. Deb Barman, Adv.
Mr. Golam Mohinddin, Adv.
Mr. Iqbal Hossain, Adv.
Mr. Anindo Mukherjee, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Vijay Hansaria, Sr. Adv.
Mr. Gaurav Choudhary, AOR

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.
Ms. Madhumita Bhattacharjee, AOR
Ms. Arushi Mishra, Adv.

Mr. Biswroop Bhattacharya, Adv.
Mr. Golam Mohinddin, Adv.
Mr. Anindo Mukherjee, Adv.
Mr. Chand Qureshi, AOR
Mr. Shiv Kumar Vats, Adv.
Mr. Atul Bhojane, Adv.
Mr. Surendra Ramgopal Agrawal, Adv.

Mr. Aditya Samaddar, AOR

Mr. C. U. Singh, Sr. Adv.
Mr. M.R. Shamshad, Adv.
Mr. Shashank Singh, AOR

Mr. Huzefa A. Ahmedi, Sr. Adv.
Mr. M. R. Shamshad, AOR
Mr. Arijit Sarkar, Adv.
Ms. Nabeela Jamil, Adv.
Mr. Niaz A. Farooqui, Adv.

Mr. Amar Dave, Sr. Adv.
Mr. Jitender Kumar Mohapatra, Adv.
Md. Shaffi Mather, Adv.
Ms. Priyam Agarwal, Adv.
Mr. Siddhartha Chowdhury, AOR

Mr. K.S. Kulkarni, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Ms. Niharika Dewivedi, Adv.
Ms. Shweta Sand, Adv.
Mr. Amit Kumar Chawla, Adv.
Mr. Narendra Pal Sharma, Adv.
Mr. S.P. Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

CONMT.PET.(C) No. 177/2022 in C.A. No. 5808/2017

The petition is dismissed as withdrawn in terms of signed order.

List rest of the matters for further proceedings/orders
on 02.02.2023.

(NEETA SAPRA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(Signed order is placed on the file)

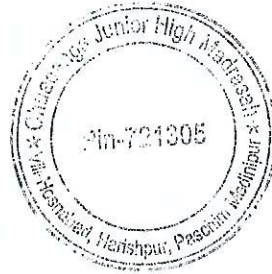


Chuadanga Junior High Madrasah

ESTD.- 2010

Government Recognized and Aided

Contact No. 6294310340 • E-mail : chuadanga.jhmadrasah@gmail.com

Memo / Ref. No. SPL-03/CJHM/2016Date : 28/02/2016To,
Sahibpati / Secretary / Headmaster / Teacher-in-Charge

To
Sk Hasanur Jaman
S/O- Sk Rustam
Vill- 7 No. Jalpai
P.O.- Garchakraberia
P.S.-Nandigram
Pin-721631

Sub : Letter of Appointment In the Post of Night Guard (Non Teaching Staff Group-D)
In terms of the order dated 25.08.2015 passed by the Hon'ble Division Bench
of Calcutta High Court in the matter of AST192 of 2014 & Other (MAT473 of 2014)

Sir/Madam,

As per recommendation of the Selection Committee of the Madrasah and in terms of the special Meeting No.SPL-03/CJHM/2016 dated 28.02.2016 of the Managing Committee, I am to inform you that you are appointed as a Group-D Night Guard of the Madrasah in the Vacancy of Non-Teaching Staff Group-D (Night Guard) in the Normal sanctioned vacant post in terms of the order Dt. 25.08.2015 passed by the Honourable Division Bench of the Calcutta High Court in the matter of AST 192/2014 along with AST No: 140/2014 with MAT No. 473/2014. Salary will be admissible as and when the letter of your appointment is duly approved by the competent authority with the salary basic pay and including grade pay and other allowances with effect from the date of joining the Madrasah as a Group-D Night Guard Non teaching staff within a week positively.

You are to continue to serve the Madrasah subject to the terms and conditions as laid down in the school code. It is noted that, all this would be subjected to the result of pending case if any, in this regard before the Hon'ble High Court / Supreme Court.

Thanking You,

Yours faithfully,

Secretary

Chuadanga Junior High Madrasah

VILLAGE : HOSNABAD • P.O.: HARISHPUR

BLOCK : MIDNAPORE SADAR • P.S.: KOTWALI

DISTRICT : PASCHIM MEDINIPUR • WEST BENGAL • PIN- 721305



Chuadanga Junior High Madrasah

ESTD.- 2010

Government Recognized and Aided

Contact No. 6294310340 • E-mail : chuadanga.jhmadrasah@gmail.com

Memo / Ref. No. SPL-03/CJHM/2016Date : 28/02/2016From,
Sahapati / Secretary / Headmaster / Teacher-in-Charge

To
 Sk Nobinewas
 S/O- Late Sk Najmul Huda
 Village- Shimulia
 P.O.- Bheramari
 P.S.- Panrui
 District- Birbhum
 Pin- 731236

Sub : Letter of Appointment In the Post of Assistant Teacher in Arabic Language / (Pass)
in terms of the order dated 25.08.2015 passed by the Hon'ble Division Bench of
Calcutta High Court in the matter of AST192 of 2014 & Other (MAT473 of 2014)

Sir / Madam,

As per recommendation of the Selection Committee of the Madrasah and in terms of the special Meeting No.- SPL-03/CJHM/2016 dated 28.02.2016 of the Managing Committee, I am to inform you that you are appointed as an Assistant Teacher of the Madrasah in the Vacancy of Arabic Language (Pass) Category in the subject of language group (Pass) in the sanctioned vacant post in terms of the order Dt. 25.08.2015 passed by the Honourable Division Bench of the Calcutta High Court in the matter of AST 192/2014 along with AST No. 140/2014 with MAT No. 473/2014. Salary will be admissible as and when the letter of your appointment is dully approved by the competent authority with the salary basic pay including grade pay and others allowances per month as per G.A. Rule 2009 in the scale of pay Rupees 7100/- to 37600/- and grade pay of Rupees 4100/- with effect from the date of joining the Madrasah as an A.T. within a week positively.

You are to continue to serve the Madrasah subject to the terms and conditions as laid down in the school code. It is noted that, all this would be subjected to the result of pending case if any, in this regard before the Hon'ble High Court / Supreme Court.

Thanking You,

Yours faithfully,

[Signature]
 28/02/2016
 Secretary

Chuadanga Junior High Madrasah
 VILLAGE : HOSNABAD • P.O.: HARISHPUR Vill-Hosnabad, P.O.- Harishpur
 BLOCK : MIDNAPORE SADAR • P.S.: KOTWAL Paschim Medinipur, P. 731305
 DISTRICT : PASCHIM MEDINIPUR • WEST BENGAL • PIN- 721305

Appendix-1**Detailed observations relating to each Contempt Petitioner**

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
1	Mainuddin Mandal	377/2022	Kethardanga High Madrasah	Bankura	1
2	Motibul Dalal	377/2022	Kethardanga High Madrasah	Bankura	1
3	Titulal Ghosh	377/2022	Kethardanga High Madrasah	Bankura	1
4	Lipika Haldar	494/2022	Kethardanga High Madrasah	Bankura	1
5	Kheyrunnesa Begam	494/2022	Kethardanga High Madrasah	Bankura	1
6	Sk. Aniulla	494/2022	Kethardanga High Madrasah	Bankura	1
7	Sahnawaz Khan	516/2022	Kethardanga High Madrasah	Bankura	1
8	Riajul Bhuian	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
9	Oliullah Mallick	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
10	Niladri Mishra	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
11	Dayamoy Kari	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
12	Sunanda Dana	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
13	Swati Mandal	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
14	Rumpa Dey	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
15	Sk Samaul	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
16	Abdul Hamid Khan	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
17	Sirajul Bayen	502/2022	Lalbandh Hossainia Sr. Madrasah	Bankura	2
18	Jahidul Mondal	516/2022	Morar High Madrasah	Bankura	3
19	Maruk Karfi	508/2022	Sammilani High Madrasah	Bankura	4
20	Nazrul Islam	362/2022	Bheramari A.M. High Madrasah	Birbhum	5
21	Makhan Mondal	362/2022	Bheramari A.M. High Madrasah	Birbhum	5
22	Nafijul Molla	354/2022	Bheramari A.M. High Madrasah	Birbhum	5
23	Sk. Yasin	354/2022	Bheramari A.M. High Madrasah	Birbhum	5
24	Parsona Khatun	354/2022	Bheramari A.M. High Madrasah	Birbhum	5

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
25	Javed Aktar Mollah	517/2022	Mahidapur High Madrasah (H.S)	Birbhum	6
26	Samim Mollah	517/2022	Mahidapur High Madrasah (H.S)	Birbhum	6
27	Sekh Amirul	517/2022	Mahidapur High Madrasah (H.S)	Birbhum	6
28	Sk Johir Uddin	517/2022	Mahidapur High Madrasah (H.S)	Birbhum	6
29	Md. Saidul Islam	354/2022	Margram High Madrasah (H.S)	Birbhum	7
30	Asiul Sahana	354/2022	Margram High Madrasah (H.S)	Birbhum	7
31	Md. Haider Ansari	354/2022	Margram High Madrasah (H.S)	Birbhum	7
32	Sk. Jasimuddin	354/2022	Margram High Madrasah (H.S)	Birbhum	7
33	Goutam Kumar Das	354/2022	Margram High Madrasah (H.S)	Birbhum	7
34	Md. Noman Habib	354/2022	Margram High Madrasah (H.S)	Birbhum	7
35	Jasimuddin Molla	354/2022	Margram High Madrasah (H.S)	Birbhum	7
36	Tuhinarani Khatun	354/2022	Margram High Madrasah (H.S)	Birbhum	7
37	Sk. Injamamul Hoque	354/2022	Margram High Madrasah (H.S)	Birbhum	7
38	Md. Lichu Seikh	354/2022	Margram High Madrasah (H.S)	Birbhum	7
39	Riaz Kajal	354/2022	Margram High Madrasah (H.S)	Birbhum	7
40	Sohel Rana	517/2022	Margram High Madrasah (H.S)	Birbhum	7
41	Sk Sahabuddin	517/2022	Margram High Madrasah (H.S)	Birbhum	7
42	Mahammad Ali	517/2022	Margram High Madrasah (H.S)	Birbhum	7
43	Manowara Khatun	517/2022	Margram High Madrasah (H.S)	Birbhum	7
44	Ekramul Haque	500/2022	Metekona High Madrasah	Birbhum	8
45	Md. Ismail	362/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
46	Sk Aniquil Islam	362/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
47	Suraiya Zamil	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
48	Dr. Rozina Khatun	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
49	Safiur Rahman	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
50	Md. Ashraful Haque	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
51	Md. Rafique Mandal	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
52	Sk. Tamijuddin	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
53	Ushuf Seikh	354/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
54	Ahammod Hossain	500/2022	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
55	Mohosina Khatun	600/2023	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	9
56	Smt. Papi Das Roy	380/2022	Mathabhanga High Madrasah	Coochbehar	10
57	Emran Miyan	380/2022	Mathabhanga High Madrasah	Coochbehar	10
58	Indrajit Paul	380/2022	Mathabhanga High Madrasah	Coochbehar	10
59	Moksadul Alam	380/2022	Mathabhanga High Madrasah	Coochbehar	10
60	Mr. Naren Chandra Modak	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
61	Mr. Sahajamal Khandakar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
62	Mr. Sukhamay Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
63	Asrafi Khanam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
64	Mr. Mehmud Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
65	Subha Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
66	Ekramul Alam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
67	Jahurul Hoque Mondal	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
68	Firdus Rahaman	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
69	Baharul Sarkar	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
70	Md Bin Kalam	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
71	Jashimuddin Miah	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
72	Suriya Akter Banu	581/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
73	Abdur Rahim Mallik	MA No. D.No. 110/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
74	Nur Jamal Hossain Mallik	MA No. D.No. 110/2023	Kalmati High Madrasah (H.S.)	Coochbehar	11
75	Farhana Parvin	609/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	12
76	Sk. Samsul Bari	609/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	12

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
77	Shaikh Ainul Ali	589/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	12
78	Rubina Amin	589/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	12
79	Kazi Md. Jahirul Hassan	565/2023	Abdul Motalib High Madrasah, (H.S.)	Howrah	12
80	Jinat Parveen	566/2023	Ajangachi High Madrasah	Howrah	13
81	Niroja Jafrin	566/2023	Ajangachi High Madrasah	Howrah	13
82	Kishar Sasmal	597/2023	Ajangachi High Madrasah	Howrah	13
83	Panchanan Malik	597/2023	Ajangachi High Madrasah	Howrah	13
84	Md. Kousir Ali	597/2023	Ajangachi High Madrasah	Howrah	13
85	Soma Das Pal	597/2023	Ajangachi High Madrasah	Howrah	13
86	Pratima Jana	586/2023	Ajangachi High Madrasah	Howrah	13
87	Amit Rana	586/2023	Ajangachi High Madrasah	Howrah	13
88	Ramiz Raj Khan	371/2022	Chengail High Madrasah	Howrah	14
89	Nikhat Parveen	566/2023	Chengail High Madrasah	Howrah	14
90	Nafisa Ali	566/2023	Chengail High Madrasah	Howrah	14
91	Imran Khan	566/2023	Chengail High Madrasah	Howrah	14
92	Shek Noushad Ali	566/2023	Chengail High Madrasah	Howrah	14
93	Sk. Abdul Salam	580/2023	Chengail High Madrasah	Howrah	14
94	Papu Jana	580/2023	Chengail High Madrasah	Howrah	14
95	Anita Maity	580/2023	Chengail High Madrasah	Howrah	14
96	Sabina Islam	580/2023	Chengail High Madrasah	Howrah	14
97	Sk. Nazmul Hossein	580/2023	Chengail High Madrasah	Howrah	14
98	Arun Pal	580/2023	Chengail High Madrasah	Howrah	14
99	Amit Das	580/2023	Chengail High Madrasah	Howrah	14
100	Sk. Abdur Rafik	580/2023	Chengail High Madrasah	Howrah	14
101	Sk. Anisur Rahaman	580/2023	Chengail High Madrasah	Howrah	14
102	Ashadul Mondal	580/2023	Chengail High Madrasah	Howrah	14

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
103	Sourav Maity	580/2023	Chengail High Madrasah	Howrah	14
104	Sital Bera	606/2023	Chengail High Madrasah	Howrah	14
105	Mitupriya Jana	603/2023	Chengail High Madrasah	Howrah	14
106	Sk Ataur Rahaman	365/2022	Chengail High Madrasah	Howrah	14
107	Sk. Akhtar Ali	365/2022	Chengail High Madrasah	Howrah	14
108	Md Sujauddin	365/2022	Chengail High Madrasah	Howrah	14
109	Sk. Md. Abu Usuf Ali	602/2023	Chengail High Madrasah	Howrah	14
110	Sk Nasibur Rahaman	591/2023	Chengail High Madrasah	Howrah	14
111	Sk. Moazzem	571/2023	Khaskhamar High Madrasah	Howrah	15
112	Jiauddin Khan	571/2023	Khaskhamar High Madrasah	Howrah	15
113	Abdul Alim Gazi	571/2023	Khaskhamar High Madrasah	Howrah	15
114	Suvojit Khatua	571/2023	Khaskhamar High Madrasah	Howrah	15
115	Seauli Rakhit	571/2023	Khaskhamar High Madrasah	Howrah	15
116	Sima Rakhit	571/2023	Khaskhamar High Madrasah	Howrah	15
117	Md. Ibrahim Mallick	363/2022	Nimdighi High Madrasah	Howrah	16
118	Arsed Mollah	363/2022	Nimdighi High Madrasah	Howrah	16
119	Serina Yasmin	363/2022	Nimdighi High Madrasah	Howrah	16
120	Lal Mahammad Khan	376/2022	Rongmohol Quorania High Madrasah (H.S)	Howrah	17
121	Sk Ramjan Ali	376/2022	Rongmohol Quorania High Madrasah (H.S)	Howrah	17
122	Moumita Poddar	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	18
123	Debajani Dutta	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	18
124	Abu Hossain	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	18
125	Md. Wahedul Islam	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	18
126	Sahajan Md	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	18
127	Saddam Hussain	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	18
128	Ebrahim Md.	574/2023	Bhandari Gach Suru Bari High Madrasah (Hs)	Jalpaiguri	18

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
129	Dipannita Mandal	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
130	Miarul Hoque	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
131	Md Jahangir Alam	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
132	Rojina Parvin	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
133	Md Esrar Hossain	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
134	Md Ayub Ali Molla	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
135	Sahenur Parvin	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
136	Rakesh Gazi	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
137	Rakesh De	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
138	Md. Faridul Islam	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
139	Mst. Rupa Khatun	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
140	Arijit Purkait	373/2022	Batna J.M.O. Sr. Madrasah	Malda	19
141	Rijia Sultana	515/2022	Bhabanipur Model High Madrasah (H.S)	Malda	20
142	Md Jubair Ali	515/2022	Bhabanipur Model High Madrasah (H.S)	Malda	20
143	Manowara Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
144	Samima Nasrin	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
145	Shelina Parvin	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
146	Rojina Parveen	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
147	Nibedita Banik	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
148	Mst. Halima Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
149	Rakhi Kundu	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
150	Habiba Sultana	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
151	Rubinur Khatun	370/2022	Bhagabanpur Girls High Madrasah	Malda	21
152	Md Sariful Islam	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda	22
153	Md Safiul Alam	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda	22
154	Selim Sk	496/2022	Imdadul Ulum Sr. Madrasah (Fazil)	Malda	22

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
155	Selima Yeasmin	568/2023	J.H.R. Sr. Madrasah	Malda	23
156	Hasanul Jamal	568/2023	J.H.R. Sr. Madrasah	Malda	23
157	Md. Wasim Tarik	568/2023	J.H.R. Sr. Madrasah	Malda	23
158	Nasrin Jahan	568/2023	J.H.R. Sr. Madrasah	Malda	23
159	Selim Aktar	568/2023	J.H.R. Sr. Madrasah	Malda	23
160	Wasim Reja	497/2022	J.H.R. Sr. Madrasah	Malda	23
161	Md. Ebrahim	578/2023	J.H.R. Sr. Madrasah	Malda	23
162	Md. Robiul Islam	611/2023	J.H.R. Sr. Madrasah	Malda	23
163	Md Mir Mosarraf Hossain	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	24
164	A.B. Tarikur Reja	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	24
165	Mst. Samina Yesmin	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	24
166	Priyanka Katiyar	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	24
167	Mastara Khatun	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	24
168	Oliur Rahaman	369/2022	Milangarh Sajjadia High Madrasah (H.S)	Malda	24
169	Abu Hayat	608/2023	Milangarh Sajjadia High Madrasah (H.S)	Malda	24
170	Md. Saheb	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda	25
171	Nasima Akhtar Banu	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda	25
172	Fatematuj Johara	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda	25
173	Md. Selim	608/2023	Milangarh Sr. Madrasah (Fazil)	Malda	25
174	Jiaur Rahaman	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	25
175	Md Tajamul Hoque	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	25
176	Md Zakir Hossain	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	25
177	Fakuruddin	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	25
178	Md Monirul Islam	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	25
179	Md Eliyas	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	25
180	Gulsan Khatun	372/2022	Milangarh Sr. Madrasah (Fazil)	Malda	25

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
181	Benajir Yeasmin	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	26
182	Saibur Rahaman	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	26
183	Mst. Nuzhat Banu	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	26
184	Manirul Hoque	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	26
185	Md Nasim	495/2022	Mitna Solemania High Madrasah (H.S)	Malda	26
186	Md. Delwar Hossain	572/2023	D.B.S. Junior High Madrasah For Girls	Murshidabad	27
187	Md Rofikuzzaman	505/2022	Debkunda High Madrasah	Murshidabad	28
188	Intiazuddin Ahmed	505/2022	Debkunda High Madrasah	Murshidabad	28
189	Mustakim	505/2022	Debkunda High Madrasah	Murshidabad	28
190	Md Raja Hossain Mallick	505/2022	Debkunda High Madrasah	Murshidabad	28
191	Md Masiullah Sk	505/2022	Debkunda High Madrasah	Murshidabad	28
192	Mst. Saira Banu	505/2022	Debkunda High Madrasah	Murshidabad	28
193	Aneba Khatun	505/2022	Debkunda High Madrasah	Murshidabad	28
194	Mst. Rajiun Kasfima	505/2022	Debkunda High Madrasah	Murshidabad	28
195	Golam Mortuja	596/2023	Debkunda High Madrasah	Murshidabad	28
196	Md. Samiul Kabir	596/2023	Debkunda High Madrasah	Murshidabad	28
197	Md. Masud Alam	587/2022	Dhuliyon High Madrasah	Murshidabad	29
198	Morsalim Hossain	587/2022	Dhuliyon High Madrasah	Murshidabad	29
199	Ismail Sk	587/2022	Dhuliyon High Madrasah	Murshidabad	29
200	Md. Azmal Hossain	587/2022	Dhuliyon High Madrasah	Murshidabad	29
201	Arif Hossain	601/2023	Dhuliyon High Madrasah	Murshidabad	29
202	Ismail Sk	601/2023	Dhuliyon High Madrasah	Murshidabad	29
203	Md. Asmaul Kholifa	601/2023	Dhuliyon High Madrasah	Murshidabad	29
204	Poly Khatun	601/2023	Dhuliyon High Madrasah	Murshidabad	29
205	Nasirul Hossain	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	30
206	Shikha Khatun	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	30

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
207	Sabina Yasmin	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	30
208	Mst. Bulti Khatun	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	30
209	Md Bush Sk	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	30
210	Md Samir Hoosain	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	30
211	Sk Abdullah	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	30
212	Mehedi Hasan	504/2022	Ghola Nhm High Madrasah (H.S)	Murshidabad	30
213	Md Nazrul Islam	366/2022	Sahadiar High Madrasah (H.S)	Murshidabad	31
214	Lilufa Yasmin	503/2022	Takipur High Madrasah	Murshidabad	32
215	Channnihar Khatun	503/2022	Takipur High Madrasah	Murshidabad	32
216	Ayesha Siddika	503/2022	Takipur High Madrasah	Murshidabad	32
217	Md. Mohibul Sk.	503/2022	Takipur High Madrasah	Murshidabad	32
218	Md. Hasibur Rahaman	503/2022	Takipur High Madrasah	Murshidabad	32
219	Samiul Kabir	503/2022	Takipur High Madrasah	Murshidabad	32
220	Rekha Khatun	503/2022	Takipur High Madrasah	Murshidabad	32
221	Najma Khatun	503/2022	Takipur High Madrasah	Murshidabad	32
222	Sufia Khatun	503/2022	Takipur High Madrasah	Murshidabad	32
223	Dipak Kr. Saha	503/2022	Takipur High Madrasah	Murshidabad	32
224	Chumki Khatun	506/2022	Akandadanga High Madrasah	Nadia	33
225	Samrat Sha Fakir	506/2022	Akandadanga High Madrasah	Nadia	33
226	Sahina Khatun	507/2022	Akandadanga High Madrasah	Nadia	33
227	Hasan Sk	507/2022	Akandadanga High Madrasah	Nadia	33
228	Hafizur Rahaman Mir	507/2022	Akandadanga High Madrasah	Nadia	33
229	Md. Rahul Sk.	507/2022	Akandadanga High Madrasah	Nadia	33
230	Manijul Sk	379/2022	Aleya High Madrasah	Nadia	34
231	Md. Rakibul Islam	577/2023	Amdanga Kendriya Siddiquia Hamidia Sr. Madrasah (Fazil)	North 24 Pgs	35
232	Safiqul Islam	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
233	Mosura Khatun	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
234	Sakina Khatun	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
235	Md Mirajul Gazi	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
236	Md Nuruddin Molla	512/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
237	Sajjat Ali Mollah	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
238	Khalada Parvin	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
239	Jahangir Hossain	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
240	Kutubuddin Mondal	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
241	Md Mahmudur Rahman Laskar	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
242	Hasanujjaman Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
243	Hammad Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
244	Md Hafizul Islam Dhali	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
245	Md Sariful Islam Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
246	Jahangir Hossain Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
247	Sahanur Gazi	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
248	Md Habibullah Molla	513/2022	Chhayani Islamia Sr. Madrasah (Fazil)	North 24 Pgs	36
249	Tabassum Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
250	Tamasa Sarkar	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
251	Sahanara Parvin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
252	Sk. Afrajuddin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
253	Abdulla Molla	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
254	Md. Arifbilla Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
255	Rafique Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
256	Abdul Aziz Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
257	Sakina Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
258	Hasanur Zaman Mondal	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
259	Arlina Parvin	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
260	Sonia Khatun	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
261	Milton Gazi	605/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
262	Sk. Ahamadullah	4780/2023	Fulbari Aminia High Madrasah (H.S.)	North 24 Pgs	37
263	Md Ilias Sarif Molla	575/2023	Kaderia High Madrasah	North 24 Pgs	38
264	Gour Pada Mandal	575/2023	Kaderia High Madrasah	North 24 Pgs	38
265	Md Jahangir Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs	38
266	Chhabir Ali Mondal	575/2023	Kaderia High Madrasah	North 24 Pgs	38
267	Abu Bakkar Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs	38
268	Abdur Razzak Gazi	575/2023	Kaderia High Madrasah	North 24 Pgs	38
269	Somnath Biswas	575/2023	Kaderia High Madrasah	North 24 Pgs	38
270	Soma Biswas	575/2023	Kaderia High Madrasah	North 24 Pgs	38
271	Md. Shahnawoz Molla	575/2023	Kaderia High Madrasah	North 24 Pgs	38
272	Rupa Khatun	575/2023	Kaderia High Madrasah	North 24 Pgs	38
273	Firozuddin Ahammed	575/2023	Kaderia High Madrasah	North 24 Pgs	38
274	Habiba Khatun	575/2023	Kaderia High Madrasah	North 24 Pgs	38
275	Safikul Islam Dhali	584/2023	Kaderia High Madrasah	North 24 Pgs	38
276	Sahinur Rahaman Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	39
277	Abdul Kaiyum Mondal	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	39
278	Ummey Habiba	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	39
279	Sazia Karim	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	39
280	Abu Hossain Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	39
281	Ebrahim Gain	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	39
282	Md. Jahangir Sardar	375/2022	Katia S.R. Ali Sr. Madrasah	North 24 Pgs	39
283	Md. Rakibul Hasan Mondal	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
284	Azad Rahman	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
285	Marium Khatun	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
286	Mijanur Rahman	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
287	Md. Salauddin Gazi	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
288	Amjad Ali Sardar	567/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
289	Kamal Hossain Gazi	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
290	Md. Hasanuzzaman	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
291	Mustafir Ahmed	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
292	Zahira Khatoon	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
293	Sk. Sariful Alam	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
294	Sk. Jahangir Alam	573/2023	Kodalia Aminia High Madrasah (H.S)	North 24 Pgs	40
295	Asmaul Husna	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
296	Abdulla Tarafdar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
297	Injimamul Hossain	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
298	Rita Farmuda Yesmin	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
299	Sk Mahabur Rahaman	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
300	Jesmin Nahar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
301	Md Abdur Rahaman Gazi	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
302	Safiul Haque Mistry	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
303	Moumita Mondal	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
304	Rajaul Atker Alam	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
305	Aparesh Mandal	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
306	Md Mahafuzar Rahaman Laskar	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
307	Nashrin Parveen	514/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
308	Md Mohinul Haque Molla	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
309	Abul Hasan Molla	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
310	Arzina Sahaji	510/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41

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311	Mosaddek Hossain	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
312	Siddiquallah Gazi	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
313	Azizur Rahaman Molla	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
314	Sabir Uddin Mir	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
315	Sanjay Mondal	511/2022	Sundarban H.M.T.A.A. High Madrasah (H.S)	North 24 Pgs	41
316	Mr. Sk. Mokhlesur Rahaman	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur	42
317	Ms. Sahana Khatun	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur	42
318	Mr. Jaynal Abedin Mollik	378/2022	Chhutargeria F.B. High Madrasah (H.S)	Paschim Medinipur	42
319	Sk. Nobinewas	590/2023	Chuadanga Jr. High Madrasah	Paschim Medinipur	43
320	Sk. Hasanur Jaman	590/2023	Chuadanga Jr. High Madrasah	Paschim Medinipur	43
321	Sk. Mahfuz Rahaman	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
322	Mukim Ali Shah	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
323	Sk. Jahangir Alam	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
324	Rojina Khatun	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
325	Rajina Khatun	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
326	Mirja Mahammad Atik	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
327	Sk. Sadekul Islam	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
328	Sk. Misbahur Rahaman	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
329	Mirza Ibrahim Ali	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
330	Sk. Abdulla	364/2022	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
331	A.H. Md. Alberuni	570/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
332	Md. Abbasuddin Sardar	585/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
333	Tridibesh Das	585/2023	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	44
334	Mst Sabrina Khatun	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45
335	Rahaman Ali Shah	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45
336	Souvik Som	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
337	Mst. Sabana Parvin	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45
338	Nayan Mandal	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45
339	Sk. Imdadul Islam	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45
340	Mohd. Muktar Alom	594/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45
341	Sk. Indaul Rahman	604/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45
342	Mirza Saddum Hossen	604/2023	Mohishageria A.M.A. High Madrasah (H.S.)	Paschim Medinipur	45
343	Sk. Aslam Ali	569/2023	Bijoyramchawk Haji Ahammad Ali High Madrasah (H.S.)	Purba Medinipur	46
344	Sk. Sartaj Ali	569/2023	Bijoyramchawk Haji Ahammad Ali High Madrasah (H.S.)	Purba Medinipur	46
345	Taslima Khatun	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	47
346	Sk Insan Ali	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	47
347	Mir Rahed	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	47
348	Aleya Khatun	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	47
349	Sk Lazim	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	47
350	Sk Abdul Mannan	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	47
351	Sk Rabiul Rahaman	352/2022	Contai Rahamania High Madrasah (H.S)	Purba Medinipur	47
352	Md Wasim Bari Khan	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	48
353	Sk Samim Ali	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	48
354	Najma Khatun	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	48
355	Maidul Ali Shah	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	48
356	Sonali Khatun	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	48
357	Sk Aual Tullah	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	48
358	Deen Mahammad	352/2022	Contai Shawkatia Jr. High Madrasah (English Medium)	Purba Medinipur	48
359	Snehasis Giri	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
360	Goutam Panja	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
361	Rajkumar Bag	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
362	Anima Guria	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
363	Sabyasachi Ghanti	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
364	Yeasminara Khatun	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
365	Mousumi Pahari	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
366	Akash Das	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
367	Piyali Das	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
368	Md. Abu Hassan	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
369	Muntahuj Jaman Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
370	Mujahid Ali Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
371	Asfaque Hossain	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
372	Sk. Saifuudin	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
373	Sk. Islam Uddin	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
374	Mojahedul Islam	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
375	Mahiul Islam	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
376	Abdul Rakib Ali Shah	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
377	Sk Imdadul Tulla	352/2022	Gimageria Welfare High Madrasah	Purba Medinipur	49
378	Kangkan Giri	352/2022	Majna High Madrasah	Purba Medinipur	50
379	Mortoja Rahaman	352/2022	Majna High Madrasah	Purba Medinipur	50
380	Sk Sefayet Tulla	352/2022	Majna High Madrasah	Purba Medinipur	50
381	Papu Ali Saha	509/2023	Mandarpur High Madrasah	Purba Medinipur	51
382	Md Sujauddin Halder	509/2023	Mandarpur High Madrasah	Purba Medinipur	51
383	Munmun Das (Sahu)	509/2023	Mandarpur High Madrasah	Purba Medinipur	51
384	Saleha Khatun	509/2023	Mandarpur High Madrasah	Purba Medinipur	51
385	Roshnara Bibi	509/2023	Mandarpur High Madrasah	Purba Medinipur	51
386	Sk Umar Faruque	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
387	Marufa Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
388	Md Ajmal Khan	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
389	Sk Abdul Salam	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
390	Pulak Bhanja	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
391	Sk Motahar	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
392	Bidesh Khatua	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
393	Md Sahabuddin Khan	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
394	Sk Monjurul Hossain	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
395	Firoja Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
396	Hasina Khatun	499/2022	Mohammadpur Darul Ulum Sr. Madrasah	Purba Medinipur	52
397	Sk Mugle Azam	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	53
398	Sharmadeb Jana	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	53
399	Sourav Das	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	53
400	Sk. Jafar Ali	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	53
401	Mahbuba Khatun	595/2023	Padumpur Saifuddin High Madrasah	Purba Medinipur	53
402	Arjina Khatun	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur	54
403	Sk Ajmal Alam	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur	54
404	Sudarshan Jana	501/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur	54
405	Sabina Yesmin Shah	374/2023	Purba Garchakraberia H.B. Jr. High Madrasah	Purba Medinipur	54
406	Tanmoy Pal	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55
407	Barun Maity	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55
408	Sandipan Pahari	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55
409	Mahammad Mehboob Hossain	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55
410	Subhasish Pulai	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55
411	Santu Mandal	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55
412	Md. Masud Laskar	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55
413	Najma Khatun	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55
414	Mr. Nur Mohammad Ali Sha	368/2022	Rambag Siddiqua Jr. High Madrasah	Purba Medinipur	55

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
415	Ashmina Khatun	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	56
416	Abu Bakkar Mondal	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	56
417	Sk Azahar Uddin	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	56
418	Rajjak Laskar	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	56
419	Nakib Uddin Molla	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	56
420	Md Samsul Arifin	498/2022	Dahakanda Siddiquia High Madrasah	South 24 Pgs	56
421	Mr. Mizanur Rahaman Molla	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
422	Mr. Nawaz Sharif Mali	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
423	Nasrin Parveen	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
424	Queen Arifa Sultana	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
425	Md. Almasul Islam Mondal	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
426	Tania Parveen	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
427	Mr. Jaydave Paria	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
428	Mr. Sk. Sohel Mia	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
429	Mr. Mizanur Rahaman Mufti	353/2022	Darul Ulum Qudsia Akra Sr. Madrasah	South 24 Pgs	57
430	Nasima Bibi (Khatun)	355/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	58
431	Sk. Manjur Ali	355/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	58
432	Md. Obaidullah Raj	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	58
433	Salma Sultana	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	58
434	Md. Samsur Rahman Mallick	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	58
435	Srikrishna Mondal	361/2022	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	58
436	Md. Omar Faruque Sardar	582/2023	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	58
437	Mr. Sheikh Arif Mohammad	582/2023	Enayetpur Rameswarpur Siddiquia Ashrafia Sr. Madrasah	South 24 Pgs	58
438	Anisha Parven	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
439	Mr Md Nzimuddin Molla	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
440	Mr. Fazlul Haque Mollick	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
441	Mr. Md. Abu Hasim Khan	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
442	Mr. Md. Ashahul Hoque Molla	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
443	Mr. Sayed Mafijul Ali	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
444	Mr. Sk. Abdullal Al Faruque	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
445	Sahana Khatun (Begam)	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
446	Sahina Yeamin	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
447	Situma Tajrin	367/2022	Hasnecha Islamia Siddiquia Sr. Madrasah	South 24 Pgs	59
448	Abdul Momen Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
449	Masum Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
450	Abdus Selim Gazi	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
451	Lipika Mondal	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
452	Parvez Ahamed Mollick	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
453	Tahamina Khatun	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
454	Md. Safiqul Alam Mollick	599/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
455	Sahanaj Parveen	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
456	Mabuda Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
457	Rexona Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
458	Fatema Khatun	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
459	Mst. Salma Parvin	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
460	Abdul Karim Mondal	588/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
461	Ashib Mondal	610/2023	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	60
462	Rabiul Molla	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	61
463	Aparup Saha	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	61
464	Nali Sardar	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	61
465	Sourav Das	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	61
466	Anik Halder	593/2023	Meyanapur Meherabia High Madrasah	South 24 Pgs	61

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
467	Nilufar Tabassum	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs	62
468	Gopal Chandra Sahoo	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs	62
469	Sabina Yesmin	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs	62
470	Rajlaxmi Das	598/2023	Sagar Moniruddin High Madrasah	South 24 Pgs	62
471	Md. Mahmud Ashraf	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
472	Md. Raquib Azam	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
473	Md. Anwer Reza	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
474	Abdur Rahman	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
475	Md. Shams Tabrez	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
476	Md. Asgar Alam	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
477	Md. Haidar Ali	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
478	Md. Irfan Razi Ansari	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
479	Md. Jamiruddin	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
480	Laila Anjuman	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
481	Md. Tanwer Ashraf	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
482	Rezaul Haque	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
483	Sk. Arif Hussain	583/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
484	Md. Sadique Alam	592/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
485	Ghulam Ansar	592/2023	Harbhanga High Madrasah	Uttar Dinajpur	63
486	Monirul Islam	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
487	Atiqur Rahaman	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
488	Sabbir Ahmed	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64

Sl. No.	Name of Petitioner	Contempt Petition / Diary No.	Name of Madrasah	District	File Number
489	Najema Khatun	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
490	Abdur Rahaman	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
491	Abdur Rahaman	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
492	Md. Malek	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
493	Nurun Nesa	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
494	Nurul Islam	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
495	Kawsera Begum	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
496	Manirul Hoque	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
497	Kabejul Islam	MA No. D.No. 110/30 of 2023	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	64
498	Abdul Wahab	576/2023	Malgaon T.M.O. Sr. Madrasah	Uttar Dinajpur	65

Appendix-2**Detailed observations relating to each interested persons**

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District	File Number
1	Anwar Sarkar	General Applicants	Margram High Madrasah (H.S)	Birbhum	G-3
2	Kazi Md. Yiasin	General Applicants	Metekona Moulana Abu Taher Senior Madrasah	Birbhum	G-4
3	Ajoy Rakshit	General Applicants	Khaskhamar High Madrasah	Howrah	G-5
4	Faruk Gazi	General Applicants	Khaskhamar High Madrasah	Howrah	G-5
5	Biswajit Shaw	General Applicants	Khaskhamar High Madrasah	Howrah	G-5
6	Mirzanur Hassan	General Applicants	Khaskhamar High Madrasah	Howrah	G-5
7	Farukuddin Ahamed	General Applicants	Chhapna High Madrasah	North 24 Pgs	G-6
8	Sarifa Khanam	General Applicants	Chhapna High Madrasah	North 24 Pgs	G-6
9	Nargis Parvin	General Applicants	Chhapna High Madrasah	North 24 Pgs	G-6
10	Abdul Hamid Sardar	General Applicants	Kaderia High Madrasah	North 24 Pgs	G-7
11	Nijamuddin Khan	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
12	Sk. Sazzad Hossain	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
13	Sk. Abid Hossain	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
14	Md. Sabemiraj Ali Khan	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
15	Amina Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
16	Aliya Begam	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
17	Sk. Alauddin	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
18	Ayesha Siddikia	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
19	Khadija Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
20	Mayjamin Khatun	General Applicants	Dhekua Farukia High Madrasah	Purba Medinipur	G-8
21	Syed Marufa Parveen	General Applicants	Kumarpur High Madrasah	Purba Medinipur	G-9
22	Syed Mahenur Ali	General Applicants	Kumarpur High Madrasah	Purba Medinipur	G-9
23	Jiyasmin Khatun	General Applicants	Kumarpur High Madrasah	Purba Medinipur	G-9
24	Sk. Abdul Basir	General Applicants	Kumarpur High Madrasah	Purba Medinipur	G-9

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District	File Number
25	Md. Mosaraf Ali Khan	General Applicants	Kumarpur High Madrasah	Purba Medinipur	G-9
26	Mst. Ruksena Begam	General Applicants	Kumarpur High Madrasah	Purba Medinipur	G-9
27	Nasiruddin Shaikh	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
28	Sarifuddin Gazi	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
29	Ataur Rahaman Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
30	Oboydulla Sardar	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
31	Md. Sabir Hossain Khamaru	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
32	Md. Mustak Ali Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
33	Md. Azahar Uddin Sk	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
34	Md. Miraz Ali Khan	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
35	Mahamudul Hassan Haldar	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
36	Md. Abujafar Middya	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
37	Aspak Kazi	General Applicants	Kuldia Mohanpur High Madrasah(H.S)	South 24 Pgs	G-10
38	Priyanka Patra	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	G-11
39	Reshma Parveen	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	G-11
40	Sk. Md. Hedayetullah	General Applicants	Marui Beria Ainul Ulum Sr. Madrasah	South 24 Pgs	G-11
41	Ratan Mondal	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
42	Izaz Ahmed Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
43	Saifuddin Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
44	Md. Tarif Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
45	Md. Rabiul Huda	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
46	Md. Masiur Rahaman Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
47	Md. Bahauddin Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
48	Md. Mushakali Mulla Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
49	Imrana Yeasmin Mondal	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
50	Sk. Muktar Ahamed	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District	File Number
51	Md. Muhtaba Ali Khan	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
52	Sk. Azaharuddin	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
53	Rojina Khatun	General Applicants	Tilpi Kamalia High Madrasah (H.S)	South 24 Pgs	G-12
54	Zohorul Islam	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	G-13
55	Abdul Wahed	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	G-13
56	Abdul Wakil	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	G-13
57	Md. Shamim Ashraf	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	G-13
58	Md. Khursid Alam	General Applicants	Kantirpa N.K. Sr. Madrasah	Uttar Dinajpur	G-13

Appendix-3**Detailed observations relating to each interested persons**

Sl. No.	Name of interested persons	Application Type	Name of Madrasah	District	File Number
1	Sk. Asiruddin	FMA 915 of 2021	M.S.D.U. Dogachia Sr. Madrasah	Paschim Medinipur	G-1
2	Azad Mondal	SLP 3352 of 2021	Jamia Islamia Girls High Madrasah	North 24 Pgs	G-2

Government of West Bengal
Minorities' Development & Welfare & Madrasah Education Department
Writers' Buildings, Kolkata-700001.

No 1465-MD/07

Dated: 12.10.07

NOTIFICATION

WHEREAS Muslim recognised as Minority Community in the State of West Bengal and minorities have the right under Article 30 of the Constitution of India to establish and administer educational institution of their choice;

AND WHEREAS the State Government is competent to declare a particular institution as a minority institution and till such time the government issue an order declaring that it is a minority institution, they can not operate as Minority Institutions;

AND WHEREAS the Supreme Court has held that the Government are the Competent Authority to verify and determine the minority status of an Educational Institution for the purpose of Article 30(1) of the Constitution of India;

AND WHEREAS the Govt. recognised Madrasahs, including Hooghly Govt. Madrasah and the Calcutta Madrasah were originally established by the Muslim minority and continuously administered by the members of that minority to subserve and promote the interests of the minority community concerned;

AND WHEREAS the abovesaid Madrasahs were, in course of times, recognised alongwith liabilities by the Government for promoting educational interests of the Muslim minority and on verification it has been ascertained that more than 90% students are pursuing their studies in these institutions and these Madrasahs are functioning under supervision of the W.B. Madrasah Board constituted with member representatives of the Minority Community concerned;

AND WHEREAS the State Govt. having been satisfied about the above antecedents of all the recognised Madrasahs which are aided and guided by the Government prescribed guidelines relating to admissions, selections etc., and about their continuing and sustained functioning for promoting the interests of the concerned minority, have become satisfied that these institutions are fit to enjoy minority status of an Educational Institution for the purpose of Article 30(1) of the Constitution of India;

AND WHEREAS the Govt. in the State of West Bengal have also considered it expedients to declare these recognized and aided Madrasahs and those which will be so recognized and aided as such in future as Minority Educational Institute;

NOW, THEREFORE, in accordance with the above considerations and in pursuance of the Article 30 of the Constitution of India the Government is pleased, hereby, to declare that all the recognized and aided Madrasahs under control of this Government and those Madrasahs which will be recognized on similar lines in future, as Minority Educational Institutions. These institutions will also be allowed, in consequence, to have the following effects as agreed upon by the State Government.

- i) They will continue to get financial assistance as before from the State Government.
- ii) Reservation policy for employment etc. shall not apply in case of appointment of teachers and non-teaching staff in these Madrasahs.
- iii) Selection of teachers may continue to be done by West Bengal School Service Commission through separate panel.

By order of the Governor


(Pawan Agarwal)

Secretary to the Govt. of West Bengal.

No. 1465-1(2)-MD/07

Dated: 12.10.07

Copies to:

- (1) President, West Bengal Board of Madrasah Education.
- (2) Director, Madrasah Education.



(Pawan Agarwal)

Secretary to the Govt. of West Bengal.

Memo No. : 256/1(40)-ME

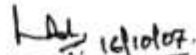
Date : 16.10.07

Copy forwarded for information and necessary action to :

1. The District Magistrate,
P.O. : Dist.
2. The District Inspector of Schools (SE),
P.O. Dist.

with a request to circulate the copy of the same to all the recognized Madrasahs.

3. The Secretary, W.B. Board of Madrasah Edn., 19, Haji Md. Mohsin Sq., Kol-91.
4. Guard file of this office.



Director of Madrasah Education, W.B.