

20.10.2020
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(Via Video Conference)

W.P.A. No. 7036 of 2020

With

CAN 1 of 2020

Khanpur Alhaj Afiatunnessa

Madhyamik Siksha Kendra

Versus

The State of West Bengal & Ors.

Mr. Sankha Subhra Roy,

...for the Petitioner.

Mr. Arjun Roy Mukherjee,

Mr. Shamim ul Bari

...for the State.

Affidavit of service is taken on record.

The writ petition is taken up for hearing through video conferencing in view of the urgency.

The application being CAN 1 of 2020 is disposed of.

The petitioner is aggrieved because despite there being an approval of the newly constituted managing committee of Khanpur Alhaj Afiatunnessa Madhyamik Siksha Kendra by Memo dated January 27, 2020 issued by the District Officer, Minority Affairs, Birbhum, the charge has not yet been handed over to the said committee. The petitioner claims to be a present president of the Madrasah.

Mr. Bari, learned Advocate appearing for the State-respondents, submits that the handing over of

charge is not the duty of the State-respondents. The outgoing managing committee, which is now defunct, is required to hand over charge. He hands over a communication dated October 6, 2020 from the Director of Madrasah Education, West Bengal, from which it appears that the District Officer, Minority Affairs, Birbhum had already been directed by the Director of Madrasah Education by a Memo dated October 1, 2020 to complete the process of handing over charge. The instructions of Mr. Bari from the Director of Madrasah Education, West Bengal is taken on record.

Under such circumstances, nothing further is required to be decided in this writ petition, save and except, a direction be issued on the District Officer, Minority Affairs, Birbhum to comply with the instructions of the Director of Madrasah Education, West Bengal in terms of Memo No.819-ME dated October 1, 2020. In doing so, the District Officer, Minority Affairs, Birbhum shall ensure presence of the outgoing managing committee and presently re-constituted managing committee and complete the process of handing over charge in accordance with law.

Needless to mention that the District Officer, Minority Affairs, Birbhum is bound to follow the instructions of the Director of Madrasah Education, West Bengal. In case the District Officer, Minority Affairs, Birbhum is unable to comply with the directions

then the Director of Madrasah Education, West Bengal shall intervene and settle the issue .

The entire exercise should be completed within a period of six weeks from the date of communication of this order.

This writ petitioner is, thus, disposed of

There will be, however, no order as to costs.

Urgent certified website copies of this order, if applied for, be delivered to the parties, upon compliance of all necessary formalities.

(Shampa Sarkar, J.)