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**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**MAT No. 852 of 2020
with
IA No: CAN 1 of 2020**

(Through Video Conference)

**Alhaj Intaj Ali Shah
-vs.-
The State of West Bengal & Ors.**

Mr. Alhaj Intaj Ali Shah
...Appellant-in-person

Mr. Tapan Kumar Mukherjee
Mr. Somnath Naskar
...for the State

The grievance of the appellant is that the learned Single Judge, by the impugned order, directed appointment of administrator instead of ensuring that the new managing committee was elected. The appellant, appearing in person, argues that the appointment of administrator without hearing the appellant was *de hors* the law.

However, by the impugned order dated December 16, 2020, the learned Single Judge merely directed the West Bengal Madrasah Board to forthwith appoint an administrator. It was further directed that the existing managing committee shall cease to function immediately upon appointment of the administrator and the administrator shall take over the functioning of

the Madrasah and conduct its day-to-day affairs. It was categorically directed in the impugned order that the administrator shall, as soon as possible, conduct an election of the managing committee of the Madrasah in terms of the applicable Rules and shall hand over the management of the Madrasah to the newly elected committee upon reconstitution.

The argument, that the impugned order runs contrary to the previous ad interim order, passed by another learned Single Judge of this Court, dated July 16, 2018 does not hold water, since the said previous order only indicated that the respondents shall be restrained from reconstituting the managing committee till disposal of the Rule or further orders, whichever is earlier.

However, fact remains that the statutory life of the erstwhile managing committee has already reached a terminus and, as such, the erstwhile managing committee cannot have any say in the affairs of the Madrasah.

The Madrasah cannot function in a vacuum and, as such, the appointment of an Administrator in the interregnum is fully justified.

In such view of the matter, the impugned order is sound in law in the context of the present case. Moreover, the impugned order was not contrary to the previous interim order dated July 16, 2018; rather, it

was in aid of the said previous order, ensuring that the functioning of the Madrasah is not hampered in the meantime.

As such, we find no merits in the present appeal and the connected application.

Accordingly, MAT 852 of 2020 and CAN 1 of 2020 are dismissed, treating them as on the day's list.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Saugata Bhattacharyya, J.)