

W.P.A. 4776 of 2020

Md. Mobarak Ali Sk.
-vs.-
State of West Bengal & Ors.

Sk. Hossain Ali

... for the petitioner

Mr. Subhrangsu Panda

... for the D.M.E.

Mr. Nadeem Sulaiman

... for the Madrasah Board

Mr. Tapan Kumar Mukherjee, learned Senior Advocate
Ms. Saheli Mukherjee

... for the State

Mr. Tapan Kumar Mukherjee, learned Senior Advocate is directed to represent the State in this matter. The petitioner shall serve a copy on him.

Despite service of notice, there is no representation on behalf of the Minority Affairs & Madrasah Education Department.

The brief facts of the case have already been recorded in the earlier orders dated 04.01.2021 and 06.01.2021.

The petitioner submits that the Dakhin Kalikapur Siddique Junior High Madrasah is entitled to be recognized as an Unaided Madrasah/Senior Madrasah within the meaning of West Bengal Board of Madrasah Education.

The Director of Madrasah Education is represented by Mr. Panda, learned advocate. The Madrasah Board is represented by Mr. Sulaiman, learned

advocate.

It is submitted that until specific clearance is issued by the Secretary, Minority Affairs & Minority Education Department, Government of West Bengal no recognition or steps towards recognition can be taken by the Board.

Mr. Sulaiman with reference to Section 2(h) and 7 of the West Bengal Board of Madrasah Education (Recognition of Unaided Madrasahs) Regulations, 2010 submitted that the Board cannot act without prior sanction and clearance from the M.A. & M.E. Dept.

He also refers to a letter dated 09.01.2020 whereby the Board has specifically addressed the Secretary, Minority Affairs & Minority Education Department, Government of West Bengal regarding the application of the petitioner seeking a decision from the latter. The letter dated 09.01.2020 be kept with the record.

In the above circumstances, the Secretary, Minority Affairs & Minority Education Department, Government of West Bengal shall take a decision on the application of the petitioner treating the writ petition itself as a representation and pass suitable orders within a period of two months from the date of communication of the copy of this order.

The Secretary shall pass reasoned order and communicate the same to the petitioner within 7 days

thereof.

The notices dated 06.01.2021 issued to the respondents be kept with the record.

With the above observations, the instant writ application stands **disposed of**, however, without any order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Rajasekhar Mantha, J.)