

**04.10.2021**

**sayandeep**

**Sl. No. 02**

**Ct. No. 05**

**WPA 16229 of 2021**  
**[Via Video Conference]**

**Ramdeo Keshari**

**-Vs.-**

**The State of West Bengal & Ors.**

Mr. Tarun Kr. Das

Dilip Kr. Shyamal

...for the petitioner.

Mr. Raja Saha

Mr. Shamim Ul Bari

...for the State.

Mr. Gourab Ghosh

... for respondent no. 5 & 6

Ms. Koyeli Bhattacharyya

.... for respondent No. 3

Writ petitioner claims to be one of the guardians of Adarsh Balika Vidyalaya (H.S.), Kolkata. Writ petitioner has stated in paragraph 2 that he is the father of twin daughters who are studying in class-IX of the said school. It has been submitted by Mr. Tarun Kr. Das, learned advocate, representing the writ petitioner that an election schedule was prepared vide Managing Committee resolution dated 2<sup>nd</sup> August, 2021 whereby the date of holding election was fixed on 4<sup>th</sup> October, 2021 under the guardian category. Upon drawing attention of this Court to Form-3(MC) issued by the Headmistress of the said school, page-17 of the writ petition, it has been contended before this Court that Form-3(MC) is not signed and sealed by the head of the institution which is required as per the Procedure for Holding Election framed by the West Bengal Board of Secondary Education. It has further been submitted

that the date of holding election under the guardian category has been fixed on 4<sup>th</sup> October, 2021 which is working day and as per the said procedure, election date should have been fixed on public holiday. Writ petitioner submits that in view of said departures made by the headmistress of the school in question, the steps taken for holding election cannot be supported.

Mr. Gourab Ghosh, learned advocate, appears on behalf of Adrash Balika Vidyalaya, Kolkata and submits that in terms of the schedule for holding election as framed vide Managing Committee resolution dated 2<sup>nd</sup> August, 2021, the election under the guardian category was scheduled to be held today. It is further submitted that there were 8 contestants under the guardian category election for the 6 posts of guardian representative on the Managing Committee and out of 8 contestants 2 have withdrawn their nominations before 4<sup>th</sup> October, 2021 as a result whereof there was no requirement to hold election and all the 6 remaining candidates have been elected uncontested.

The West Bengal Board of Secondary Education as well as the State respondents are represented by Ms. Koyeli Bhattacharyya, learned advocate, and Mr. Shamim Ul Bari, learned advocate, respectively.

Having considered the submissions made on behalf of the learned advocates representing the parties

to this writ petition and also considering the Form-3(MC) and date for holding election since has been fixed on 4<sup>th</sup> October, 2021 which is not a public holiday, this Court finds it proper to direct the President, West Bengal Board of Secondary Education to take decision in terms of Clause 34 of the Procedure for Holding Election framed by the West Bengal Board of Secondary Education, if any complaint is lodged against such election held by the said school authority, by the writ petitioner, within a period of fortnight from this date by communicating details relating to departures made by the school authority while conducting the election for reconstitution of the Managing Committee.

The writ petitioner shall be at liberty to make a comprehensive complaint before the President, West Bengal Board of Secondary Education as directed aforesaid within a period mentioned above. On receipt of such complaint, if made, the President, West Bengal Board of Secondary Education shall take decision on such complaint within a period of 8 weeks from the date of receiving such complaint after granting opportunity of hearing to the writ petitioner as well as the school authority of Adarsh Balika Vidyalaya(H.S.), Kolkata and pass a reasoned order in terms of the said Procedure for Holding Election and communicate the same within 2 weeks thereafter.

With the above observations, the writ petition stands disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

**(Saugata Bhattacharyya, J.)**