

Court No. 17

WPA 18061 of 2021

22.11.2021

(AD 1)

(S. Banerjee)

Debasish Pal & Ors.

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Soumya Majumder
Mr. Shankar Mukherjee
Ms. Ishani Kundu

... for the petitioners

Mr. Supriyo Chattopadhyay
Mr. Mansoor Alam

... for the State

Mr. Shehnaz Tareq Mina

... for the respondent no. 2

Mr. Kishore Datta, Sr. Advocate
Mr. Sakti Pada Jana

... for the respondent nos. 6 to 9

The petitioners are approved teachers working in Patha Bhavan school for a long time.

They have raised certain disputes as to the reconstitution of the managing committee which relates to election of teachers and non-teaching staff representative and guardians representative.

I have heard them extensively and it has been pointed out by Mr. Chattopadhyay, learned advocate for the State, that in the management rules, which starts at page 22 (Annexure P-1) in Rule 34 the following is laid down:

“34. In case of any doubt or dispute in the matter of holding election at any stage, the matter shall be referred to the Board whose decision thereon shall be final.”

As this is a dispute in the matter of holding election at a very initial stage, it should be referred to the West Bengal Board of Secondary Education, following the said Rule 34.

The grievances of the petitioners are already there in the writ application at pages 53 and 65. The representation dated 5th October, 2021 at page 53 of the writ application, is addressed to the President of the West Bengal Board of Secondary Education. The representation dated 01.11.2021 containing other grievances is at page 65 and 66 of the writ application and is addressed to the District Inspector of Schools (SE), Kolkata. The petitioners have these grievances relating to the said decision which have been ventilated before this court.

As there is one alternative remedy under Rule 34 as mentioned above for deciding on such dispute by the Board, I am not entering into the disputes. Instead of that I direct the President of the Board to hear the petitioners considering their two representations, one made to him on 5th October, 2021 (at page 53 of the writ application) and also the representation made to the District Inspector of Schools (SE) (at page 65 and 66 of the writ application). The President should consider this representation made to the District Inspector of Schools (SE) dated 01.11.2021 as a representation made to him.

The President will hear the school and the petitioners and if necessary other interested parties, but definitely not some meddlesome interlopers in this matter, within 14th December, 2021 without giving any

unnecessary adjournment and the decision should be communicated to the parties by 17th December, 2021. The date of hearing and sending the order is fixed in such a manner that as per the management rules mentioned above, the date of election of committee for the purpose of its reconstitution, according to Rule 9(2), shall be at least 60 days before the expiry of the term of the existing committee. From a letter of extension of the committee issued by the Board it appears that the managing committee of the school will continue till 28th February, 2022. This rule is to be kept in mind.

The letters of extension issued by the Board to the school dated 02.03.2021 and 08.09.2021 be kept on record.

Till the matter is heard and the decision is communicated to the writ petitioners by the President, there shall not be any further step for holding election for reconstitution of the managing committee in the said school.

With the above observation this writ application is disposed of with the direction upon the writ petitioners to send the above representations immediately by 24 hours from date to the President of the Board.

(Abhijit Gangopadhyay, J.)