

Court No. 24
21.12.2021
(Item No. 20)
(AB)

W.P.A. 18398 of 2021
(via video conference)

Sk. Latib & Ors.
VS
The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta
Mr. Subhadeep Chatterjee
..... For the petitioners
Mr. Md. Galib
Mr. Subhra Nag
..... For the State
Mr. Nadeem Sulaiman
..... for Madrasah Board

The matter relates to election for constitution of Managing Committee in a Madrasah. The petitioners happen to be the guardian members of the Madrasah.

According to the petitioners the provision of Rule 21(c) of the procedure for holding election (Appendix – I) of the Management of Recognized Non-Government Madrasah (Aided and Unaided) Rules, 2002 has not been followed by the District Inspector of Schools by not sending the departmental nominee, for which the Managing Committee cannot be reconstituted even though the election is long over.

Rule 21(c) mentions that within three days of the declaration of the results of the election of the Committee, the Head of the Madrasah shall write to the District Inspector of Schools (Secondary Education) for sending the name of a departmental nominee on the committee to enable him to complete

constitution or reconstitution of the Committee. Any delay in the placement of a departmental nominee within the period so specified under Sub-rule (8) of Rule 4 of the Rules may be brought to the notice of the Board by the Head of the Madrasah.

Though the petitioners submit that the D.I. did not send the name of the departmental nominee to the Committee, but the Head of the Madrasah did not bring the same to the notice of the Board in terms of the aforesaid Rule.

The respondent District Inspector of Schools (S.E.), Birbhum has filed a report wherein it has been mentioned that there are series of irregularities at the time of holding the election by the Madrasah. The District Inspector of Schools forwarded the discrepancies to the Director of Madrasah Education by a communicating memo No. 905/G dated 07.04.2021. There is no communication thereafter as to whether any decision has been taken by the Director of Madrasah Education or not.

As it appears that according to the Rules, it is the obligation of the Head of the Madrasah to draw the attention of the Board if the departmental nominee is not placed within the time as specified, and the head of the Madrasah has not approached the Court praying for relief, accordingly no order can be passed in the instant writ application filed at the

instance of the allegedly elected members. It will be open for the Madrasah to take appropriate steps in accordance with the Rules if so advised.

The writ petition stands disposed of.

The report filed by the respondent No. 5 and the exception thereto filed by the petitioners are taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)