

Court No. 24
21.12.2021
(Item No. 21)
(AB)

W.P.A. 18400 of 2021
(via video conference)

Sk. Monirul Haque Mondal & Ors.
VS
The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta
Mr. Subhadeep Chatterjee
..... For the petitioners
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
..... For the State
Mr. Nadeem Sulaiman
..... For Madrasah Board

The matter relates to election for constitution of Managing Committee in a Madrasah.

The petitioners are 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 Committee, the Head of the Madrasah shall write to the District Inspector of Schools (Secondary Education) for sending 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 as specified in Sub-rule (8) of Rule 4 of the Rules may be brought to the notice of the Board by the Head of the Madrasah.

The petitioners point out to a letter dated 18th August, 2021 written by the Teacher-in-Charge of the Madrasah to the Secretary of the West Bengal Board of Madrasah Education regarding non placement of the departmental nominee by the District Inspector of Schools.

It appears that thereafter the Madrasah did not proceed with the matter any further.

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 07.4.2021. 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,

accordingly, no order can be passed in the instant writ application filed by the allegedly elected guardian 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.)