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SK
Ct. No. 18
25.02.2021

**W.P.A. No. 8760 of 2020
(Via Video Conference)**

**Jahangir Khan
Vs.
The State of West Bengal & Ors.**

Mr. Biswaroop Bhattacharyya,
Mr. Anindya Bose,
Mr. Golam Mohiuddin,
Mr. Diptendu Mandal ... For the petitioner.

Mr. Shamim Ul Bar ... For the State respondents.

Mr. K. M. Hossain,
Sk. Jayed Hossain
... For the respondent nos. 6, 7 & 8.

Mr. Nadeem Sulaiman ... For the Madrasah Board.

The grievance of the petitioner is that by a resolution dated September 9, 2020 the Managing Committee of M.S.D.U Dogachia Senior Madrasah has removed him from the post of Secretary of the said Committee without following the procedure prescribed under the Rules for Management of Recognized Non-Government Madrasahs (Aided and Unaided) Rules, 2002.

The petitioner is challenging the legality of the Memo bearing No. 684/MC/20 dated October 08, 2020 of the Secretary of the West Bengal Board of Madrasah Education, the respondent no. 3 herein, whereby the said respondent approved the rearrangement of the said Managing Committee.

Mr. Biswaroop Bhattacharyya, learned counsel appearing on behalf of the petitioner submits that no notice as required under Rule 17 of the aforesaid Rules was

served upon the petitioner before convening the said meeting.

To resolve the issue impugned memo bearing No. 684/MC/20 dated October 08, 2020 is set aside with a direction upon the said Managing Committee to convene a fresh meeting on the agenda of removal of the petitioner from the post of secretary of the said Committee.

Let such meeting of the Managing Committee be convened on March 12, 2021.

The aforesaid date of meeting since has been fixed in presence of the learned advocate for the petitioner the requirement of service of notice to convene a special general meeting of the Managing Committee as required under Rule 17 of the aforesaid Rules is deemed to have been complied with.

It is made clear that this Court has not gone into the merit of the allegation and counter allegation of the parties. The Managing Committee is free to take any decision on the said agenda in accordance with law without being influenced by the fact that this Court has not retained its earlier resolution of removing the petitioner from the post of secretary of the committee.

W.P.A. 8760 of 2020 is disposed of with the above terms.

No order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)