

06.01.2021
Item No.06
Daily List
Court No.25
Krishnendu

W.P.A. No. 10892 of 2020
(VIA VIDEO CONFERENCE)

In re: Rajib Shaikh
- Versus-
The State of West Bengal & Ors

Mr. Robiul Islam
Mr. K.M. Hossain
Mr. Arghya Chakrabarti
For the Petitioner
Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
For the State

Affidavit of service filed by the petitioner be
kept on record.

Mr. Islam, learned advocate appearing for the petitioner alleges that Mr. Mustakin Shaikh, who has been nominated as the President of the Managing Committee of Hasanpur Rajeswari Vidyapith (in short, the said school), is an in-service person and that non-graduate persons have been nominated as persons interested in education. Accordingly, as per the Rules for Management of Sponsored Institution (Secondary) 1972 (in short, the said Rules of 1972), Mr. Mustakin Shaikh cannot act as the President and the non-graduate persons could not have been nominated as the persons interested in education. Pointing out such infirmities, a representation was submitted to the respondent nos. 2 and 3 but the

same had not been attended to. Aggrieved thereby, the petitioner has approached this Court. Mr. Islam informs this Court that as yet no Managing Committee has been constituted.

Drawing the attention of this Court to a memo dated 10th September, 2020 issued by the respondent no. 2, Mr. Chattopadhyay, learned advocate appearing for the State respondents submits that the respondent no. 3 is under an obligation to verify the educational qualifications and eligibility criteria of the nominated persons before sending copies of the order to the school authorities and all concerned. No committee has yet been constituted and, as such, the writ petition is a pre-mature one.

A Managing Committee of a sponsored institution is required to be constituted strictly in consonance with the said Rules of 1972 and from the memo dated 10th September, 2020 itself, it is evident that the respondent no. 3 is required to verify the educational qualifications and eligibility criteria of the nominated persons.

In view thereof, the writ petition is disposed of with a direction upon the respondent no. 3 to comply with the directions issued to him by the memo dated 10th September, 2020 and to verify the educational qualifications and eligibility

criteria of the nominated persons before sending copies of the order to the school authorities and all concerned.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)