

Court No. 17

WPA 1081 of 2022

21.01.2022

(AD 114)

(S. Banerjee)

The Managing Committee of Bardhaman Bidyarthi
Bhavan Girls' High School & Anr.

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Ekramul Bari

... for the petitioners

Mr. Raja Saha

Mr. Bipin Ghosh

... for the State

The petitioners have challenged an order dated 1st December, 2021 passed by the School Education Department (Secondary Branch) of Government of West Bengal, which is at Annexure P-4.

The apprehension of the petitioners was that even before the expiry of the term of the Managing Committee, the Managing Committee is going to be superseded by this order dated 1st December, 2021 and that is why they have challenged this order.

Learned advocate for the State, Mr. Saha, has submitted on specific instruction that it is not the Managing Committee which is going to be superseded and no reconstitution of Managing Committee is being done. Only the President, being the petitioner no. 2, who was nominated by the government by order dated 20th February, 2020 is being replaced by another government nominee, as has been mentioned in the impugned order dated 1st December, 2021.

In this regard Mr. Saha has shown the amended management rule which has been published in the Kolkata Gazette on March 8, 2018 and it is an amendment in Rule 10 wherein power has been granted to the nominating authority to recall any nomination of a person as President or person interested in education. Here this power is being exercised by the nominating authority and the President of the school is being removed and new President is being placed.

On the basis of the submission of Mr. Saha, I hold that this writ application is disposed of as there cannot be any further grievance of the school authority as the Managing Committee is not being superseded or it is going to be reconstituted before the completion of the term of the Managing Committee, as of now. It is only a case of replacement of the President of the school who was a nominated member of the nominating authority.

With the above observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)