

03.02.2022
SL No. 92
Court No. 24
(P.M)

WPA 1470 of 2022

**Abul Kalam Azad
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Sarwar Jahan
... for the petitioner

Mr. Nadeem Sulaiman,
... for Madrasah Board

Md. T.M. Siddiqui,
Mr. Nilotpall Chatterjee
... for the State

None appears on behalf of the Madrasah despite service.

Affidavit of service filed in Court is taken on record.

The petitioner was elected as the Guardian Member of the Dhuliyani High Madrasah (H.S.) on 4th April, 2019. The Managing Committee of the Madrasah was approved for three years with effect from 28th February, 2019.

The son of the petitioner is appearing in the High Madrasah Examination, 2022 to be held in the month of March, 2022.

The petitioner is aggrieved by the information given by the teacher-in-charge of the said Madrasah by a communication bearing reference No.

131/DHM/2022 dated 17th January, 2022 wherein the petitioner has been informed that as per the Government Circular regarding the existence of membership of the Managing Committee, his membership has been dissolved on and from 1st January, 2022 as his son has been sent up in the High Madrasah Examination, 2022.

The petitioner has been intimated that his functioning in the Managing Committee is terminated with immediate effect.

The petitioner relies upon the Rules for Management of recognized non-Government Madrasah (aided and unaided) Rules, 2002 wherein it has been mentioned that a guardian voter owes his eligibility as a voter under the category of Guardians in respect of a particular ward or wards. As soon as that ward or wards leave the Madrasah, the qualification of a guardian voter shall cease. In case a ward is sent for the High Madrasah or Alim or Fazil examination in a particular year, the eligibility of the Guardian voter in respect of that ward shall cease from the first day of May of the following year.

The son of the petitioner has been sent up to appear in the High Madrasah Examination for the year 2022. In accordance with Rule 29(a) of the aforesaid Rules the petitioner loses his guardianship

on and from the 1st day of May of the following year that means 1st May of 2023.

Prior to the aforesaid day of 1st May, 2023 the guardianship of the petitioner cannot be terminated on the ground as mentioned in the impugned communication dated 17th January, 2022.

Be it recorded that the West Bengal Board of Madrasah Education has published a Memo being No. 1089/MC/2021 dated 28th December, 2021 wherein it has been mentioned that where the term of the Managing Committee is valid up to 31st December, 2021 but the election in the guardian category is not held within the period, the term of the Managing Committee is extended up to 30th June, 2022. The usual term of the Managing Committee in the present case is due to expire on 27th February, 2022.

In view of the above, the Madrasah authority is restrained to take any steps with regard to the termination of the guardianship of the petitioner on the ground that his son has been sent up for appearing in the High Madrasah Examination, 2022.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)