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17.03.2022  
d.p.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 1693 of 2022**

**Abdul Hakim  
-versus  
State of West Bengal & Ors.**

**Mr. Sudipta Dasgupta,  
Mr. Arkadeb Biswas,  
Mr. Sutirtha Nayek.  
...For the Petitioner.**

**Mr. T.M. Siddiqui,  
Mr. Nilotpal Chatterjee.  
...For the State.**

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

The petitioner claims to be the President of the Managing Committee of Talgachhi Senior Madrasah. The election of the Managing Committee was held in the year 2016. Thereafter by virtue of the order passed in W.P. 20513(W) of 2019 on 8<sup>th</sup> November, 2019, the Managing Committee is still continuing its function. No election has been held till date.

The Teacher-in-charge intimated the petitioner by a communication dated 10<sup>th</sup> December, 2021 that his membership in the Managing Committee expired with effect from 1<sup>st</sup> January, 2020 and he cannot be called in any Madrasah related meeting.

Being aggrieved by the same, the petitioner filed the present writ petition.

Admittedly, it appears from record that the tenure of the Managing Committee expired long back. At this stage, the Managing Committee cannot be permitted to continue functioning and to look after the day to day affairs of the Madrasah.

The Court by an order dated 8<sup>th</sup> November, 2019 passed in W.P. 20513(W) of 2019 directed the existing Managing Committee to continue functioning with regard to the day to day affairs of the Madrasah but not to take any policy decision or major financial decision except those which are required for the day to day functioning of the Madrasah.

The said order was passed by way of an interim protection. Direction was given for filing affidavits in the matter.

The said writ application was filed challenging Rules 8, 27 and 28 of the Management of Recognized Non-Government (Aided and Unaided) Rules, 1969. The said issue was at that point of time pending adjudication before the Hon'ble Supreme Court.

The Hon'ble Supreme Court by an order dated 6<sup>th</sup> January, 2020 passed in the matter of Sk. Md. Rafique -vs- Managing Committee, Contai Rahamania High Madrasah & Ors. reported in (2020) 6 SCC 689 was pleased to uphold the vires of the West Bengal Madrasah Service Commission Act, 2007 and the Rules framed thereunder.

As the Act in question was held to be intra vires by the Hon'ble Supreme Court, accordingly, the interim protection that was given in the earlier writ petition comes to an end.

The Managing Committee whose tenure expired way back in the year 2019 cannot be allowed to function any further.

The West Bengal Board of Madrasah Education is directed to immediately appoint administrator for looking after the day to day affairs of the Madrasah and the said administrator is directed to take necessary steps for holding election of the Managing Committee of the said Madrasah.

Till a validly constituted Managing Committee is elected, the administrator shall take all responsibility for managing the day to day affairs of the Madrasah.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**