

WPA 1979 of 2017

Sukhen Bagdi
Vs.
The State of West Bengal & Ors.

Ms. Sudipa Sengupta
...for the petitioner

The writ petition is taken up for consideration when Ms. Sudipa Sengupta, learned advocate representing the petitioner submits that the order dated 2nd December, 2016 issued by the Deputy Secretary (General) of the West Bengal Board of Secondary Education is under challenge whereby Sub-Inspector of Schools (PE), Burdwan Circle was appointed as administrator over and in respect of Telduma High School, District-Murshidabad.

It has been submitted that the petitioner contested the election under the guardian category to become one of the members of Managing Committee of the said school on 10th June, 2012. However, due to certain difficulties the said school administration was facing, office bearers election could not be conducted after the election in 2012 and it was held on 6th January, 2015 and accordingly the newly reconstituted Managing Committee took over charge from the month of January, 2015. But the grievance of the petitioner is due to appointment of the administrator vide order dated 2nd December, 2016 the Managing Committee could not

function it's full term of three years as a result whereof the petitioner being the elected guardian representative could not act as one of the bona fide members of the said Managing Committee for the statutory period of three years. Petitioner prays for cancellation of the memo dated 2nd December, 2016 whereby administrator was appointed in the said school.

However, no one is representing the State-respondents as well as administrator and the West Bengal Board of Secondary Education, today.

This Court is considering the issue of appointment of administrator in terms of memo dated 2nd December, 2016. Whether appointment of administrator was rightly decided by the concerned authority of the Board in the said school in question has become now an academic question keeping in view of the fact that if administrator would not have been appointed in the month of December, 2016 in that event also the term of the Managing Committee would have expired in the month of January, 2018. By this time nearly six years have passed after the impugned order was issued by the Deputy Secretary (General) of the Board on 2nd December, 2016.

Accordingly, it appears that the writ petition has become infructuous due to efflux of time and accordingly the same stands dismissed.

However, this order shall not prevent the administrator who was appointed in terms of memo dated 2nd December, 2016 to take steps for reconstitution of the Managing Committee in accordance with law, if the same has not been done in the meantime.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)