

29
08.04.2022
d.p.

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

W.P.A 4354 of 2022

**Emam Hossain
-versus
State of West Bengal & Ors.**

**Mr. Biswaroop Bhattacharya,
Mr. Golam Mohiuddin,
Ms. Puja Mondal.
...For the Petitioner.**

**Mr. Nadeem Sulaiman.
Ms. Sunita Guha.
...For the Madrasah Board.**

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

Affidavit-of-service filed in Court today is taken on record.

The teacher-in-charge of Tinshatobighi J.B. Senior Madrasah has filed the present writ application challenging the order dated 24th August, 2021 whereby the prayer of the Madrasah for recognition stood rejected.

There are four grounds for rejecting the prayer for grant of recognition as Unaided Madrasah. One of the grounds mentions that DLIT conducted in the year 2015 and the present status of Madrasah is not traceable.

The petitioner has annexed the DLIT report of the year 2019. The enquiry report of the District Level Inspection Team mentions that on the date of inspection

i.e. on 31st December, 2018 it was found that the Madrasah is smoothly running with 416 students. All the teachers are trained. The Madrasah authority produced staff pattern, lease deed for land, lease deed for playground, Bank Passbooks, Audit Reports, Attendance Register of students as well as of the teaching and non-teaching staff, Managing Committee Resolution Book.

The DLIT team visited the playground and found that there were separate toilets for boys, girls and the staff. Library Room, Common Room for boys and girls were also visited by the DLIT team.

The report mentions that all documents are submitted to the Director of Madrasah for information and taking necessary action.

It appears from the impugned order dated 29th August, 2021 that the DLIT report in respect of the inspection held on 31st December, 2018 was not at all taken into consideration by the West Bengal Board of Madrasah Education at the time of consideration of the prayer of the petitioner for grant of recognition as unaided Madrasah.

In view of the above, the order impugned dated 24th August, 2021 is set aside and quashed.

The West Bengal Board of Madrasah Education is directed to revisit the issue with regard to recognition of the Madrasah on the basis of the latest DLIT report strictly in accordance with law, at the earliest, but positively within a period of three months from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The Board of Madrasah Education shall grant an opportunity of hearing to the representatives of the Madrasah to produce relevant documents in support of their prayer for recognition.

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.)