

Court No. 24
20.04.2022
(Item No. 7)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 4355 of 2022

Jakiur Rahaman
VS
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Mr. Golam Mohiuddin
Ms. Puja Mondal
..... for the petitioner

The petitioner claims to be the Secretary of the Organizing Managing Committee of Paniara Junior High Madrasah. He filed an earlier writ petition for considering the case of recognition of the Madrasah as an unaided Madrasah.

In compliance of the direction passed by the Court on 25th June, 2018 in WP 7769 (W) of 2018 the West Bengal Board of Madrasah Education considered the prayer of the petitioner for recognition and rejected the prayer for recognition as unaided Madrasah by an order dated 24th August, 2021.

The grounds for which the recognition was rejected are as follows:

- a) Last two years Audit Report is not placed along with the DLIT report.
- b) The Teachers and staff pattern and documents related to their recruitment are not attached along with DLIT report.

- c) Sanctioned building plan and photograph of the building of the existing Madrasah teachers and students are not attached along with the DLIT report.
- d) Class room size is very less than required as per rule.
- e) Nearby other Madrasah is available and there is no comments regarding local demand for this Madrasah.

The petitioner has annexed an inspection report held on 10th December, 2018 for recognition of the Madrasah as unaided Madrasah. The members of the DLIT, after inspection of the Madrasah, recommended the same for approval.

The impugned order dated 24th August, 2021 does not reflect that the report of the DLIT in respect of the inspection held on 10th December, 2018 was taken into consideration at the time of passing the order rejecting the prayer for recognition. No reason whatsoever has been mentioned as to why the report of the DLIT was not taken into consideration.

In view of the above, the order impugned dated 24th August, 2021 is set aside. The matter is remanded to the West Bengal Board of Madrasah Education for taking a fresh decision with regard to recognition of the Madrasah as unaided Madrasah relying upon the inspection report of the DLIT dated 10th December, 2018. It will be open for the West

Bengal Board of Madrasah Education to conduct fresh inspection by the DLIT, if required.

A decision shall be taken in the matter in accordance with law after giving an opportunity of hearing to all the interested parties within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands 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.)