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07.01.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side
(Via Video Conference)**

W.P.A 12801 of 2021

**Rabiul Jamadar
-versus
State of West Bengal & Ors.**

**Mr. Mahendra Prasad Gupta,
Mr. Debajyoti Deb.
...For the Petitioner.**

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

**Mr. Kapil Guha.
...For the Respondent No.1.**

**Mr. Ayan Mitra.
...For the Respondent No.8.**

**Mr. Sunit Kr. Roy.
...For the Respondent
Nos. 9 and 10.**

The petitioner is aggrieved by the order passed by the Secretary, West Bengal Board of Madrasah Education on 3rd August, 2021 whereby the Board has approved the Co-option of guardian members in the Managing Committee of Ghutiary Sharif S.S.G.M.N.S. Sr. Madrasah.

The petitioner has been removed and another member has been co-opted in place of the petitioner in the guardian category.

According to the petitioner, in an earlier writ petition filed by him being W.P. 21511 (W) of 2019

(Rabiul Jamadar & Anr. –vs– State of West Bengal & Ors.), the Court by order dated 27th November, 2019 passed an interim order of stay and directed that the petitioner shall continue to act as Secretary of the Madrasah.

According to the petitioner, the writ petition is pending till date and as such, the petitioner is entitled to function as the Secretary of the Madrasah.

The learned advocate appearing for the petitioner submits that the members of the Managing Committee forced him to sign on a blank paper which has thereafter been misused as his resignation letter.

The petitioner submits that a complaint was lodged before the Officer-in-charge of the concerned police station.

The learned advocate appearing for the Managing Committee of the Madrasah submits, upon instructions, that the petitioner duly tendered his resignation. The complaint which was made by the petitioner before the Officer-in-charge of the police station was taken up for consideration and the petitioner has given a written note that the issue has been amicably settled between the parties and he does not intend to proceed with his complaint any further.

It has been submitted that a hearing notice was given by the Board of Madrasah prior to passing the order of co-option of the guardian member. The petitioner did not appear before the Board in the hearing which was scheduled on 19th July, 2021.

It has been submitted that the order for co-opting the guardian member was passed after hearing all the necessary parties.

It appears from the submissions made on behalf of the parties that the impugned order was passed after giving an opportunity of hearing to the parties including the petitioner. The petitioner did not raise the issue before the Board of Madrasah Education.

In the event the petitioner is aggrieved by the order passed by the Board of Madrasah Education co-opting the guardian member by order dated 3rd August, 2021, the petitioner ought to have approached the Board first prior to filing the instant writ petition.

It will be open for the petitioner to approach the Board of Madrasah Education with all his grievances.

In the event representation is filed by the petitioner, the same shall be considered by the Board of Madrasah Education strictly in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)