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04.01.2022
d.p.

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

**W.P.A 17934 of 2021
(Via Video Conference)**

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

**Mr. Sarwar Jahan.
...For the Petitioner.**

**Ms. Nadeem Sulaiman
...For the Board.**

**Mr. T.M. Siddiqui,
Md. Mansur Alam.
...For the State.**

The petitioner claims to be the Secretary of the Managing Committee of Jatraadanga K.B. High Madrasah (H.S.). The Managing Committee was last reconstituted in February 2020 and the same is valid for a period of three years.

There are fourteen members in the Managing Committee of the said Madrasah. Four members of the said Managing Committee initiated a 'no confidence' proceeding against the petitioner.

It appears that the said 'no confidence' proceeding never reached its final conclusion.

In spite of the same, it has been submitted by the petitioner, that the teacher-in-charge is taking steps for

election of new Secretary in place and instead of the petitioner.

A document has been annexed at page 18 of the writ petition which appears to be a communication dated 5th October, 2021 by teacher-in-charge of the Madrasah to the Secretary of the West Bengal Board of Madrasah Education wherein the teacher-in-charge has admitted that four Managing Committee members out of the twelve members placed an application for 'no confidence' proposal against existing Managing Committee Secretary. The same implies that out of twelve members only four members were interested with removal of the Secretary of the Managing Committee.

According to the Rule 17 of the Rules For Management of recognized Non-Government Madrasahs (Aided and Unaided), 2002, a special meeting may be convened by the Secretary when a requisition of such meeting is made by not less than 50% of the total members of the Committee.

In the instant case, less than 50% members of the Committee initiated the 'no confidence' proposal.

As it appears that the minimum required strength for initiating the 'no confidence' proposal was not met, accordingly, any proceeding initiated pursuant to the said requisition notice dated 6th September, 2021 is bad in law.

The petitioner may be permitted to perform his duties as Secretary of the Managing Committee of the said Madrasah, in the event there is no other legal deficiency on his part.

W.P.A. 17934 of 2021 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.)