

07.11.2022
Item No. 40
BR

WPA 18098 of 2022

**Prabir Kumar Mitra and anr.
Vs.
State of West Bengal & Ors.**

Mr. G.Chaudhuri,
Mr. D.N.Roy,
Mr. Biswarup Nandy
...for the petitioners

Mr. Sabir Ahmed
.... For the Teachers

Mr. B.P.Vaisya,
Mr. Sagnik Chatterjee
... for the State

This order shall be effective only subject to payment of Ad-valorem Court fees on account of both the writ petitioners in course of the day.

The petitioners claimed that the tenure of the Managing Committee of Badartala High School , District -24-Parganas (South) expired lastly on July 9, 2022. The petitioners claimed that to run the affair of the school for the interest of the students and its administration the election of the Managing Committee is essential to be held forthwith.

In view of the above, this Court is of the firm view for the proper administration and running out the school to secure the paramount interest of the students, a properly constituted and elected Managing Committee of the school is essential.

In view of above, the respondent no. 4 is directed to take immediate steps for holding election of the Managing Committee of the school in due process of law and in strict compliance of all the relevant rules and regulations prevailing on the issue and then to form a properly constituted Managing Committee of the school with the elected candidates strictly in accordance with law.

The entire exercise as directed above shall be carried out by the respondent no. 4 positively within a period of three months from the date of communication of this order. Upon a valid declaration made by the respondent no. 4 after the election being held and a properly constituted Managing Committee being formed, the elected Managing Committee shall take charge of the school and shall carry out its affair strictly in accordance with law.

Till the new elected Managing Committee is constituted, the respondent no. 4 shall carry out the entire affair of the school under his strict supervision in accordance with law with the help of the last elected Managing Committee of the school.

It is also submitted that by a direction of respondent no. 4 dated September 6, 2022, a Drawing and Disbursing Officer has already been appointed. A copy of the communication handed over to this Court is kept on record. He shall function under the supervision of the respondent no. 4 till the new elected Managing Committee takes charge of the school in accordance with law.

It is made clear that this Court has not gone into the merits in the writ petition in any manner.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms this writ petition, **WPA 18098 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy , J.)