

13-12-2022
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WPA 19324 of 2022
With
CAN 1 of 2022
Nur Alam Mollah & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. Sayan Chattopadhyay,
Mr. Kaustav Sen,
Ms. Ayesha Iman

...for the petitioners

Sk. Md. Galib,
Mr. Sutanu Chakraborty

...for the State

Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar

...for the Madrasah Service Commission

Mr. Nadeem Sulaiman

...for the respondent no.4

Mr. Mohammad Mahmud,
Mr. Biswajit Bhattacharya

..for the respondent no.6

This writ petition pertains to holding of Managing Committee election of **Banaharishpur Madrasah (Higher Secondary)**, District- Howrah. The petitioners are the guardians of the students of the said madrasah. The term of the last elected Managing Committee originally expired on June 30, 2022. Thereafter, the tenure was extended.

The law is well-settled that the madrasah must have an elected Managing Committee to run its show

and the tenure of such elected Committee is fixed for 3 years. It is, therefore, imperative that after expiry of 3 years of the tenure of a particular Managing Committee election has to be held further.

In view of the above, the respondent no.6 is directed to hold, complete the election afresh and publish the result afresh and thereafter to form the Managing Committee of the relevant madrasah positively strictly in accordance with law within a period of 2 months from the date of communication of this order.

It is made clear that the respondent no.6 shall take all steps from the very beginning for holding such an election of the relevant madrasah and shall complete the same and form the Managing Committee of the madrasah following the result of such election with the consultation with the local police authority by fixing the date of election within the time directed as above in strict compliance of the relevant statutory provisions.

The local police authority shall render all necessary assistance to the respondent no.6 for holding the said election of the madrasah.

After the declaration of the result of the election, the Managing Committee shall be formed strictly in accordance with law and the respondent no.4 shall be intimated by the respondent no.6 accordingly.

Till the new Managing Committee is formed, the present extended Managing Committee shall carry out the show of the madrasah but shall not take any policy decision in the meantime. After formation of new Managing Committee of the madrasah, the outgoing extended Committee shall furnish all the details and particulars of accounts for its tenure including the policy decision if already taken by it within 4 weeks from the date of formation of the said new Managing Committee.

On the above terms, this writ petition **WPA 19324 of 2022** stands disposed of.

In the light of the above, the connected application also stands disposed of.

(Aniruddha Roy, J.)