

Court No. 24

14.03.2022

(Item No. 7)

(AB)

W.P.A. 20167 of 2021

Orgram Chatsupalli High Madrasah & Anr.

VS

The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay

Mr. Santanu Maji

Ms. Snigdha Saha

Mr. Pronay Basak

Mr. Debdipto Banerjee

Ms. Trisha Rakshit

..... for the petitioners

Mr. Sk. Md. Galib

Ms. Subhra Nag

..... for the State

Mr. Prasenjit Mukherjee

Ms. Madhurima Sarkar

..... for the Madrasah Service
Commission

Affidavit of service filed in Court today is taken on record.

The petitioners challenge the vires of Section 8 of the West Bengal Madrasah Service Commission Act, 2008.

The vires of the aforesaid provision of the said Act was already under challenge in a previous writ petition filed before this Court which later went up to the Hon'ble Supreme Court and by a judgment dated 6th January, 2020 the Hon'ble Supreme Court in the matter of Sk. Md. Rafique Vs. Managing Committee, Contai Rahamania High Madrasah & Ors. in Civil Appeal No. 5808 of 2017 reported in SCC 2020 (6) 689 was pleased to hold Section 8 of the Act to be valid and constitutional.

As the validity of the aforesaid provision has already been upheld by the Hon'ble Supreme Court,

accordingly, the same issue cannot be permitted to be re-opened all over again.

No relief can be granted to the petitioners in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)