

Court No. 17

WPA 21610 of 2017

27.06.2022

(AD 5)

(S. Banerjee)

Bugmari Islamia High Madrasah & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Falguni Bandyopadhyay
Ms. Sreetama Neogi
Ms. Riya Ballav

... for the petitioners

Mr. Gazi Faruque Hossain
Md. Hafizur Rahaman

... for the respondent no. 5

The matter relates to a person's life-membership in the managing committee of a Madrasah.

In this regard the District Inspector of Schools (SE), South 24 Parganas on 24.11.2015 passed an order granting the plea of the petitioner therein, i.e., Noor Nawaj Molla to be a life-member of the managing committee. This order dated 24.11.2015 has been challenged now by the present managing committee of the school.

Learned advocate appearing for the respondent no. 5, Noor Nawaj Molla, has submitted that by an order dated 18.03.2016 in WP 3860(W) of 2016, this court directed the respondent nos. 6 and 7 of the said writ application to comply with the order dated 24.11.2015 passed by the respondent no. 5 of the said writ application and to accept the petitioner as a life-member in the managing committee of the said

Madrasah and to allow him to function as a member in the managing committee forthwith. It has further been submitted on behalf of the said respondent no. 5 that this order has not been complied with and one contempt application has been filed, which is pending. It has also been submitted by the said respondent no. 5 that against this order passed by this court in WP 3860(W) of 2016 a mandamus appeal was preferred which was subsequently withdrawn by the present managing committee.

Therefore, I do not find any merit in this writ application for considering the representation dated 02.07.2015 and 01.03.2016 because the matter is already in the hand of a court in the form of a contempt application and the mandamus appeal preferred by the present managing committee has been withdrawn (admittedly) by the present managing committee.

Hence, the writ application is dismissed with a cost of Rs. 5,000/- as till date the order of this court has not been complied with. The said amount of money is to be paid to the respondent no. 5 by the petitioner within a period of 15 days and this matter will appear in the list on 11th July, 2022 under the heading 'To be mentioned' when the receipt showing payment of cost would be shown before this court.

Learned advocate for the petitioners has submitted that there is a recalling application pending for recalling the order dated 18th March, 2016, being CAN 8091 of 2017 but it has not been moved till date.

(Abhijit Gangopadhyay, J.)