

Court No. 22
06.12.2022
(Item No. 109)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 24235 of 2022

Kamruzzaman
VS
The State of West Bengal & Ors.

Mr. Sufi Kamal
Ms. Shireen Hossain
..... for the petitioner
Ms. Sunita Guha
.....For Madrasah Board
Mr. Gourav Das
.... For the State

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

The petitioner is a loser in the election process in respect of the election of Managing Committee of **GSA High Madrasah (H.S.), District – Malda** who participated in the election. The claim of the petitioner would appear from **page 18** to the writ petition which was a representation dated September 21, 2022 made before the concerned **Sabhapati** respondent No. 4. The said representation shows allegation of serious manipulation in the polling and connected irregularities. Since it pertains to an election of the Governing Body of a Madrasah, the same is governed under **Management of Recognized Non-Government Madrasahs (Aided and Un-Aided) Rules 2002. Rule 33** of the said Rule specifically provides that, **in case of any doubt or dispute in the matter of holding election at any stage, the matter**

shall be referred to the Board whose decision shall be final.

In view of the said available alternative statutory remedy to the petitioner, this Court is of the mind not to entertain this writ petition.

However, it is made clear that, this Court has not gone into the merits of the claim in the writ petition in any manner. In the event, the petitioner exercises his remedy under the relevant law, the appropriate authority shall not be influenced by any observation made by this Court in this order.

In view of the above, this writ petition being **WPA 24235 of 2022** stands dismissed.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)