

Court No.
13.12.2022

(Item No. 31)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 25443 of 2022

Anarul Haque & Ors.

VS

State of West Bengal & Ors.

Mr. Gangadhar Das

Mr. Tanmoy Chattopadhyay

.... For the petitioners

Mr. Biswajit De

Ms. Rajlakshmi Ghatak

.... For respondent Nos. 1, 6 & 9

Ms. Deboleena Ghosh

... for respondent No. 7

Mr. Nadeem Sulaiman

... for Madrasah Board

Two affidavits of service filed today, are taken on record.

The writ petition pertains to holding of election at **Batna High Madrasah (H.S.), District – Malda**. Drawing attention of this Court to **Annexure P-8** to the writ petition Mr. Gangadhar Das, learned advocate appearing for the writ petitioners submitted that, from time to time though the election for formation of Managing Committee, of the relevant Madrasah was declared by the School authority, the same was postponed and the period of the Managing Committee was extended, the last of such extension was on October 12, 2022.

Mr. Biswajit De, learned advocate appears for respondent Nos. 1, 6 and 9 submitted that, the local police authority informed that, this School authority fixed the election unilaterally without having any

consultation with the local police authority as the local police authority was also responsible to look after the peace at locale while the election would be conducted.

The law is specific that after a definite tenure of three years the Managing Committee of a Madrasah should be elected to run the show of the Madrasah. The term of the last Managing Committee had expired on September 20, 2021 and since there no election has been held.

In view of the above, the respondent No. 8 is directed to hold and complete the entire election process and then to declare the result thereof upon prior consultation with the local police authority for fixing a date but positively within a period of two months and not beyond from the date of communication of this order. Till such time the election is completed and the new Managing Committee is formed, the present extended Managing Committee shall continue. After formation of the new Managing Committee by holding the election strictly in accordance with law the present extended Managing Committee shall furnish the detail accounts for their tenure and the details of the policy decisions they have taken already during their tenure before the new Managing Committee positively within a period of four weeks from the date of the new Managing Committee shall be formed. The extended

Managing Committee shall not take any policy decision till the new Managing Committee takes charge.

The petitioners are directed to serve a copy of this order upon the respondent No. 6, respondent No. 8 and the local police authority. The local police authority shall render all co-operation and necessary assistance to conduct the election strictly in accordance with law.

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

The Managing Committee of the School is represented through Ms. Deboleena Ghosh, learned advocate.

On the above terms, this writ petition being **WPA 25443 of 2022** stands disposed of.

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.)