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09.11.2022
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**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri**

WPA 2858 of 2022
Mr. Kallol Guha
-vs.-
State of West Bengal & Ors.

Mr. Subrata Mukhopadhyay,
Mr. Bandhu Brata Bhula

...for the Petitioner

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah

...for Respondent No. 7

Mr. Nadeemsuleman Hoque,
Mr. Bikash Singha

...for Madrasah Board

Mr. Subir Kumar Saha,
Mr. Momenur Rahman

...for the State

The petitioner has challenged an order passed by the President of West Bengal Board of Madrasah Education vide memo no. 115/1 (1)-Law/R.O./42/2021 dated October 12, 2022.

The operative part of the said order is quoted below :-

“The Enquiry Report and dismissal of service of Mr. Ali Hossain Shah is hereby considered and rejected. The earlier suspension order of Board against Mr. Ali Hossain Shah is also hereby withdrawn. The District Inspector of School (S.E.), Jalpaiguri, is hereby directed to take necessary action in order to joining of Mr. Ali Hossain Shah in his

regular service and discharge his necessary allowances as per rule.

This order shall take immediate effect. All the concerned may accordingly be informed.”

The present writ petition has been filed at the instance of the teacher-in-charge of the relevant Madrasah namely, Jamuribari Asraful High Madrasah.

It has been submitted by Mr. Kunaljit Bhattacharje, learned counsel appearing for the respondent no. 7 that the petitioner being the teacher-in-charge has no locus standi to challenge the said order dated October 12, 2022 passed by the President of West Bengal Board of Madrasah Education.

Mr. Nadeemsuleman Hoque, learned counsel appearing for Madrasah Board submits that the petitioner was never authorised by the competent authority of the Madrasah to move this writ petition.

Mr. Mukhopadhyay, learned counsel appearing for the petitioner on the other hand submits that being the teacher-in-charge of the Madrasah, the petitioner has a right to move this writ petition against order in question. A Coordinate Bench of this Court in the earlier round of writ petition directed that the petitioner should be heard by the President of the West Bengal Board of Madrasah Education before passing the order impugned in the writ petition.

The petitioner might have been directed by a Coordinate Bench of this Court to be heard before passing the order impugned in this writ petition but the same, *ipso facto*, does not confer any *locus standi* to the petitioner to challenge the said order. The petitioner can challenge the order only if he has a reason to be aggrieved by the order. The petitioner cannot have any reason to be aggrieved by the order in his capacity as the teacher-in-charge of the Madrasah. The order impugned can be challenged by the Managing Committee/Administrator of the relevant Madrasah.

Accordingly, the writ petition being WPA 2858 of 2022 is dismissed.

This order, however, shall not prevent the petitioner from filing a fresh writ petition on the same cause of action if he is authorised by the competent authority of the Madrasah to do so.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)