

WPA 1089 OF 2023

Aneshur

Vs.

State of West Bengal & Ors.

Mr. Gangadhar Das	
Mr. Tanmoy Chattopadhyay.	...For the Petitioner
Mr. Sanghamitra Nandy	
Mr. Parikhith Goswami.	...For the State
Mr. Nadeem Sulaiman	...For the Madrasah Board
Ms. Debolina Ghosh	...For the Respondent No.7

The petitioner claimed to be a guardian representative in the erstwhile managing committee of one Batna J. M. O. Senior Madrasah, District – Malda (hereafter the relevant madrasah). The petitioner alleged that the tenure of the erstwhile managing committee of the relevant madrasah had expired on October 31, 2022. Since then, the West Bengal Board of Madrasah Education had granted the extension to the said erstwhile managing committee of the relevant madrasah, dated June 8, 2022 at page 29 to the writ petition till October 31, 2022, and requested the Secretary of the erstwhile managing committee of the relevant madrasah to hold the election forthwith. A rider was also there that no further extension would be granted without a valid reason.

Mr. Gangadhar Das, learned advocate appearing for the petitioner submitted that the relevant madrasah is now really lying at orphanage stage.

Ms. Debolina Ghosh, learned advocate appearing for the respondent no.7 submitted that further extension of the erstwhile managing committee is necessary to complete the formalities for holding the election.

Considering the rival submissions made on behalf of the parties and considering the materials on record and considering the document at page 46 to the writ petition, this Court is of the firm view that immediate election of the managing committee and the formation of the necessary managing committee of the relevant madrasah is very much required to protect and save the interest of the relevant madrasah and its students.

The interest of the students should be considered as paramount.

In view of the above, the respondent no.3 is directed to immediately appoint an administrator strictly in accordance with law under whose supervision and cooperation, the election of managing committee of the relevant madrasah shall take place within a period of three months positively and the new managing committee of the relevant madrasah then shall take charge forthwith to run the affairs of the relevant madrasah strictly in accordance with law. Upon formation of the new managing committee, the administrator shall make over

the charge to such newly elected managing committee formally in writing and shall do the needful in accordance with law and the power and function of the administrator shall stand ceased.

The entire election procedure shall have to be followed in accordance with the rules and regulations prevailing on the issue.

The jurisdictional police authority shall render all necessary cooperation and assistance to the administrator to be appointed for conducting and completing the election process.

In the event the respondent no.3 or the administrator, so to be appointed by it, will face any difficulty they will be at liberty to approach this Court for implementing the direction of this Court made herein.

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

On the above terms the writ petition, **WPA 1089 of 2023** stands disposed of, without any order as to costs.

(Aniruddha Roy, J.)