

25 18.10.2023
Sc Ct. no.22

WPA 1735 OF 2020

Asok Maity & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Kamal Mishra
Mr. Pratap Sanfui
Mr. Subhadeep Maitra.

....For the Petitioners

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

Mr. Kamal Mishra, learned counsel appears for the petitioners.

None appears for the State.

The core dispute in this writ petition is that, the life of the managing committee of the relevant school, viz. ***Durbachati Milan Vidyapith, Dist. – 24-Parganas (S)*** [for short the school] having been expired, the issue for constitution and formation of a valid managing committee is pending before the respondent no.6.

Previously, the tenure of the erstwhile managing committee was extended and such extended period has also expired on ***December 31, 2019***. The election of the managing committee at the contemporaneous time was held and the process was completed on December 1, 2019. Subsequently, the respondent no.6 appointed the ***Drawing and Disbursing Officer (for short the DDO)*** on January 14, 2020, Annexure-P6 at page 47 to the ***writ petition***. The petitioners through this writ petition

claimed continuation of the said erstwhile managing committee and also challenged the appointment of the DDO, when a coordinate Bench by its **order dated January 28, 2020** stayed the said appointment of DDO till February 10, 2020 which was extended till April 30, 2020.

Mr. Kamal Mishra, learned counsel for the petitioners submits that, since appointment of the DDO was stayed by the coordinate Bench as stated above, the DDO has not functioned any further and the said erstwhile managing committee has been managing the affair of the school, since then.

After considering the submissions made on behalf of the petitioners and upon perusal of the materials on record, this Court is of the firm view that, the **first step** that should be taken is **to appoint an administrator** over and above the running and affair of the school, secondly, to cause the election for constitution of a valid managing committee of the school.

The **respondent no.6 is appointed as an administrator of the school and shall start acting as such** immediately upon this order being served on the respondent no.6.

The **respondent no.6 shall make and cause a detailed inquiry into the affair of the school** since the time when the tenure of erstwhile managing committee

had expired after extension and shall ***prepare a detailed accounts of the school for the said period.***

Meanwhile, the ***respondent no.2 shall proceed to hold the election and form a valid managing committee of the school, in accordance with law.***

Such exercise shall be carried out and completed by the respondent no.2 through its appropriate authority ***positively*** within a period of ***four months*** from the date of communication of this order.

After a validly constituted managing committee is formed, the respondent no.6 shall handover the charge of the school to the said elected managing committee with the detailed accounts to be prepared by him, as directed above. Such exercise shall have to be carried out by the respondent no.6 within a period of ***four weeks*** from the date of the charge to be taken over by the newly elected managing committee.

If after taking over charge, the newly elected managing committee discovers any misdeeds or misappropriation or wrong doings happened during the tenure of the erstwhile managing committee, the newly elected managing committee shall be at liberty to take steps against the office bearers of the said erstwhile managing committee, strictly in accordance with law.

It is made also clear that, the respondent no.6 being the jurisdictional District Inspector of Schools shall oversee the affair of the school during this time till the

charge is taken over by the newly elected managing committee.

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

The petitioners shall serve a copy of this order forthwith, within three working days from today, upon the respondent no.6 and the respondent nos.2 to 5 and 7.

With the above observations and directions this writ petition, **WPA 1735 of 2020** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)