

Item-6. 17-07-2023

MAT 333 of 2020
CAN 1 of 2020

sg Ct. 8

Md. Shiaraf Ali Molla & Ors.
Versus
Principal Secretary, Government of West Bengal & Ors.

Mr. Kamalesh Bhattacharya, Adv.
Mr. Anindya Bhattacharya, Adv.
...for the appellants
Mr. Nadeem Sulaiman, Adv.
...for the Board

The appeal is arising out of an order dated 5th February, 2020 passed by the learned Single Judge dismissing the writ petition. The writ petition was filed challenging the order dated 16th October, 2017 passed by the Principal Secretary to the Government of West Bengal whereby the application for recognition of Madrasah was rejected on the basis of an inspection report dated 9th October, 2017, which, in inter alia, states as follows:

“(i) The madrasah remains closed for most days of the year;

(ii) it has no current bank account or a Reserve fund;

(iii) the infrastructure is inadequate, i.e. the class rooms have tile sheds and the staff room is quire dilapidated;

(iv) the students present on the day of the inspection had been brought from nearby schools for attending the class for that day;

(v) transport and communication to the institution from the main road is through a narrow muddy road, which is in a very poor condition;

Having proper infrastructure, providing quality education and running the madrasah regularly are the basic and minimal requirements for grant of recognition to

a madrasah or any educational institution.

The madrasah in question is lacking all of those basis requirements, as it evidence from successive enquiries made by various authorities.”

Mr. Kamalesh Bhattacharya, learned Counsel representing the appellants submits that the Madrasah is presently having all the infrastructural facilities and the recognition of the Madrasah may be considered afresh.

Under such circumstances, we dismiss the appeal by giving an opportunity to the petitioner to approach the West Bengal Board of Madrasah Education for recognition.

It is needless to mention that subject to fulfillment of all criteria and taking into consideration the welfare of the students, the application may be considered suitably as per the new Regulation.

We make it clear that we have not interfere with the order passed by the learned Single Judge.

The appeal being MAT 333 of 2020 stands dismissed. However, there shall be no order as to costs.

In view of the dismissal of the appeal, the application being CAN 1 of 2020 also stands dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)