

ML 116
Dt. 09.10.23
sandip
Ct. 18
23.11.2023

W.P.A. 8218 of 2023

**Iqra Junior High Madrasah, represented by its
President & Ors.**

Vs.

The State of West Bengal & Ors.

Mr. Saibal Acharyya,
Mr. Jakir Hossain ... For the petitioners.

Mr. Supriyo Chattopadhyay, AGP,
Mr. Sabyasachi Mondal ... For the State.

Affidavit-of-service filed on behalf of the petitioners be kept
with the record.

The petitioner no. 1 is an unrecognised Madrasah Shiksha
Kendra (MSK) of which the petitioner no. 2 is the Secretary and
the petitioner no. 3 is the Headmaster.

A direction vide order dated May 12, 2022 was passed in
W.P.A. 7904 of 2022 directing the concerned authority to consider
the issue regarding the recognition of the petitioner no. 1 as a
MSK in accordance with law, in pursuance thereof, the O.S.D. and
Ex-Officio, Director of Madrasah Education, Government of West
Bengal has returned a finding that the Government has taken a
decision not to approve any MSK with financial aid but the
application of the institution for recognition as un-aided Madrasah
can be considered.

The petitioner no. 2 has applied for recognition of the
petitioner no. 1 as an un-aided MSK.

Mr. Acharyya, learned advocate for the petitioners referring to
a Notification of the Government of West Bengal, Minority

Affairs & Madrasah Education Department bearing No. 1802-MD/)/5M-34/13 dated October 07, 2013 submits that the Government has decided that no further approval to any Shishu Shiksha Kendra/Madrasah Shiksha Kendra/Madhyamik Shiksha Kendra/Madhyamik Shiksha Kendra(Sr. Madrasah Type) will be given but the pending applications of such institutions may be considered for recognition as un-aided Madrasahs, if the applicants so agree.

Mr. Acharyya prays disposal of the pending application for recognition of the petitioner no. 1 as an un-aided MSK.

The Secretary, West Bengal Board of Madrasah Education is directed to consider the pending application for recognition of the petitioner no. 1 as an un-aided MSK in accordance with law within a period of eight weeks from the date of communication of this order after giving all concerned parties an opportunity of hearing.

W.P.A. 8218 of 2023 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)