

27.07.2023
(D/L-80)
Ct.-18
(Susanta)

W.P.A. 11122 of 2023

Mani Shankar Saha @ Mani Sankar Saha
-Vs-
The State of West Bengal & Ors.

Mr. Barun Kumar Samanta,
.... For the Petitioner.
Mr. Biswabrata Basu Mallick, AGP,
Mr. Sanjib Das,
.... For the State.
Mr. K. M. Hossain,
.... For the Respondent No.5.

In compliance with the direction dated July 12, 2023, Mr. Biswabrata Basu Mallick, learned Additional Government Pleader files the report dated July 24, 2023 of the Joint Secretary School Education Department, Government of West Bengal, let it be kept with the record.

The petitioner is challenging the order of nomination of Sk Yusuf, the added respondent no. 5 herein as the President of the Managing Committee of the Bhaluka R.M. M.M. Vidyapith (H.S), District-Malda on the ground that such nomination was before the expiry of his term in the said office.

Mr. Basu Mallick submits that the respondent no.5 was the President of the earlier Managing Committee but he vacated his office before expiry of the full term as such the petitioner was nominated in his place for the unexpired portion of the term of the said office and on expiry of the term a new Committee has been constituted, of which the respondent no. 5 has been nominated again as the President.

Mr. Samanta learned advocate for the petitioner submits that the nomination memo of the petitioner does not indicate that it was for the unexpired portion of term of the said office.

Having heard the learned Counsel for the parties and on perusal of the materials on record it appears that the respondent no.5 was nominated as a President of the previous Managing Committee constituted on February 24, 2020 for a term of three years but he vacated the said office before expiry of the said term, under such circumstances, the petitioner was nominated to hold the said office, obviously in terms of Rule 9 of the Rules of Management of Sponsored Institutions (Secondary) 1972 the tenure of the office of the petitioner was the unexpired portion of the term of the previous Committee.

The respondent no.5 by the impugned Memo No. 943-MLD-406/SED-11099/100/2023 dated April 25, 2023 has been nominated again to hold the office of President of the newly constituted Managing Committee of the said school for three years.

The challenge of the petitioner to the impugned memo for the aforesaid reasons fails, in consequence, W.P.A. 11122 of 2023 is dismissed without any order as to costs.

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

(Biswajit Basu, J.)