
Diocese of Durgapur, Church of
North India, represented by the
Vice President & Ors.

Vs.

State of West Bengal & Ors.

Mr. Sanjay Baid

....For the Petitioners

Mr. Supriyo Chattopadhyay

Ms. Sayantee Bhattacharjee.

....For the State

This is a hearing matter and the order ***dated May 17, 2012*** speaks for the same.

Mr. Sanjay Baid, learned counsel appeared for the petitioners.

Mr. Supriyo Chattopadhyay, learned Additional Government Pleader appeared for the respondent nos. 1 to 6.

Mr. Baid, learned counsel for the petitioners contended that, the subject school is a minority community school guided by the Special Rules, viz. ***“Special Rules” for management of Secondary Schools established and run by a Christian Church/Missionary Society (Board)/Religious Society/subsidiary Trust or their successors-in-law in West Bengal*** (for short the ***Special Rules***) at the point of time when the impugned order of the jurisdictional District Inspector of Schools (for short the D.I.) dated

April 26, 2012, Annexure-P2 at page 34 to the writ petition was passed.

The interim order was passed on **May 17, 2012** recording a *prima facie* satisfaction by the coordinate Bench that, the said impugned order dated **April 26, 2012** was without jurisdiction as the D.I. cannot intervene in the internal management of a minority school.

After considering the submissions made on behalf of the parties and after considering the materials on record and specially after considering the provisions laid down in the said **Special Rules**, this court is of the firm view that, at the relevant point of time in **2012** when the said **Special Rules** was in operation, the D.I. did not have any jurisdiction to pass any order or decision intervening with the management of a minority school.

For the foregoing reasons, the **said impugned order dated April 26, 2012, Annexure-P2 at page 34** to the writ petition was passed clearly without and/or in excess of the jurisdiction by the D.I. and hence, not tenable in law and is liable to be set aside.

In view of the above, the **impugned order dated April 26, 2012 passed by the D.I., Annexure-P2 at page 34 to the writ petition stands set aside and quashed.**

Resultantly, this writ petition, **WPA 8985 of 2012** stands **allowed** to the extent mentioned above.

There will be no order as to costs.

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Aniruddha Roy, J.)