

15.12.2023

Ct. 35
Sd. 26.

WPA 16269 of 2021

Khodabaks Molla Vs. State of West Bengal & Ors.

Sk. Hossain

..For the petitioner.

Mr. Nadeem Sulaiman..For the Madrasah Board.

The petitioner is aggrieved with the order dated 24.08.2021 issued by the President, West Bengal Board of Madrasah Education, by dint of which the petitioner's application for recognition of the Madrasah, namely, Bhangatushkhali Julfikaria Senior Madrasah was rejected by the said authority.

The grounds of rejection as mentioned in the said order dated 24.08.2021 may be extracted as hereinbelow:-

“a) There is no liberty.

b) Photograph of the building of the existing Madrasah are not attached along with the DLIT Report.

c) Room size is not available in DLIT Report.

d) Quantification of Teachers is not available in DLIT Report.

e) Teachers were not teaching at the time of inspection.

f) Madrasah situated in unhealthy area.”

Learned counsel appearing for the petitioner has categorically submitted that in reference to the documents annexed by him in affidavit in reply, none of the disqualifying clauses as mentioned in the said order dated 24.08.2021 really apply in case of his client. Instead, he submits that all the criteria are now fulfilled and the said Madrasah is duly eligible for grant of recognition as per law.

Respondents are represented.

However, the learned counsel for the respondents has categorically objected to the contentions of the petitioner in so far as, according to him, in the year 2015, when the application of the petitioner for recognition of the said Madrasah was made, none of the facilities as required, were available in the said Madrasah.

Learned counsel for the respondent Board submits that the application of the writ petitioner after sanction of the said authority, devolves upon the recognition committee situated at the District level, who, in turn, relies on the report of the District Level Inspection Team to ultimately come to a finding as regards the recognition, if to be granted or not. He says that in the year 2015, since this Madrasah did not comply with any of the eligibility criteria, the

prayer of the petitioner for recognition of the same was rightly rejected.

Since, according to the petitioner, the Madrasah as above, is equipped with all the required facilities including, teachers, infrastructure, etc., let the petitioner apply afresh before the concerned authority for recognition. It is expected that the respondent authorities shall dispose of the application of the petitioner within a period of three months from the date of receipt of the same.

With the above direction as above, the writ petition is disposed of.

Urgent photostate certified copy of this order be supplied to the parties on priority basis, if applied for.

(Rai Chattopadhyay J.)