

06.02.2023
Item No. 11
Court No.18
P.Jana.

W.P.A. 20570 of 2022

Sri Pradip Kumar Chatterjee & ors.

-Vs-

The State of West Bengal & Ors.

Mr. Sanjib Kumar Mukhopadhyay,
.....for the petitioners.

Mr. Sudipto Panda,
Mr. Sajal Kumar Pandit,
... for the State.

Mr. Partha Sarathi Deb Burman,
... as Amicus Curiae.

The grandfather of the petitioner donated a piece of land over which the Behala High School has been constructed, subsequent to the execution of the said Deed of Gift the Donor and the Secretary of the then Managing Committee of the said school on February 11, 1939 entered into an agreement and by virtue of Clause 1 thereof it was agreed that an adult member of the lineage of the donor shall be a member of the Managing Committee of the said school.

The petitioner is alleging that the said system continued and the petitioner was the member of the Managing Committee of the said school till 2013 but thereafter he was excluded.

The petitioner aggrieved by his such exclusion moved a writ petition being WPA 3855 of 2018 which was disposed of with a direction upon the Secretary, West Bengal Board of Secondary Education, the respondent no. 3 herein, to consider the prayer of the petitioner for his inclusion in the Managing Committee of the said school.

The said respondent by the order impugned dated April 4, 2022 has refused to accede to the said prayer of the petitioner holding that the school was converted into Government sponsored school vide Education Department memo dated

January 31, 2014, as such there is no scope to include the petitioner in the Managing Committee of the said school.

Mr. Partha Sarathi Deb Burman, learned counsel as amicus curiae, referring to the Management of Sponsored Institutions (Secondary) Rules, 1972 submits that the said school is a Government Sponsored School, as such, its management is governed by the said Rules and in terms of Rule 5 thereof, the petitioner cannot be included in its Managing Committee though such scope was there under the erstwhile Rules i.e. Management of Recognized Non-Government Institutions (Aided and Unaided) Rules, 1969.

In view of such change in the governance of Schools, the respondent no. 3 has rightly refused to entertain the prayer of the petitioner.

The order impugned does not call for any interference.

WPA 20570 of 2022 is therefore dismissed without any order as to costs.

This Court records appreciation of Mr. Partha Sarathi Deb Burman for his valued assistance.

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

(Biswajit Basu, J.)