

03. 11.12.2023
bd. Ct.15

W.P.A. 27231 of 2023

Golam Kibria

-vs-

The State of West Bengal & Ors.

Mr. Mritunjoy Chatterjee

Mr. Debpriya Majumder ... for the petitioner.

Mr. Sarwar Jahan

Sk. Nayeemul Huq ... For the respondent
nos. 8 to 10.

Mr. Shamim-ul-Bari ... for the state

Pursuant to the order dated 6th December, 2023 report signed on 8th December, 2023 by the District Inspector of Schools (SE), Murshidabad, is filed today and same taken on record.

On perusal of the said report dated 8th December, 2023 it appears that the programme for holding election for reconstitution of managing committee was framed strictly in accordance with the established procedure since the tenure of the administrator of the Madrasah in question is going to expire on 31st December, 2023 but due to inability expressed by the concerned police authorities to provide police assistance process initiated for holding election had to be postponed.

It has been submitted by the learned advocate representing the concerned Madrasah that up to publication of voters list which was scheduled on 29th November, 2023 process is complete but rest of the steps are required to be taken by rescheduling the election programme.

Learned advocates representing the petitioner as well as Madrasah authority have jointly prayed for direction upon the concerned police authorities to give adequate police assistance for free and fair election.

It has also been recorded in the previous order dated 6th December, 2023 that for 11 years there was no election for reconstitution of the managing committee of the said Madrasah. Administrator is functioning at present whose tenure is going to expire on 31st December, 2023 and thereafter there will be an administrative vacuum. In order to resolve the impasse which is going to take place after 31st December, 2023 this Court finds it apt to reschedule the election programme from the stage of submission of nomination papers in order to ensure that the election is complete by 31st December, 2023 which will be the last date of tenure of the administrator.

Accordingly, the Madrasah authority of Kumarpur Nesaruddin High Madrasah (H.S.), and its administrator is directed to issue a notice by tomorrow, 12th December, 2023 intimating the rescheduled programme for holding election. The submission of nomination papers shall be fixed on 14th and 15th December, 2023, scrutiny of nomination papers shall be fixed on 16th December, 2023 and withdrawal of nomination papers shall be fixed on 18th December, 2023. Since election is required to be held on holiday, administrator of the Madrasah shall intimate by issuing notice dated

12th December, 2023 that the date of election shall be on 31st December, 2023 being sunday.

The administrator of the Madrasah shall issue notice intimating the said rescheduled programme by tomorrow, 12th December, 2023. Since tenure of the administrator shall expire on 31st December, 2023 this Court under special circumstances shall grant leave to the administrator to take subsequent steps after the election to be held on 31st December, 2023 in order to ensure that reconstitution is complete upon holding office bearers' election expeditiously. Administrator shall function till taking over charge by the newly reconstituted managing committee.

The Superintendent of Police, Murshidabad, being the respondent no. 4, and the Officer-in-Charge, Sagarpara Police Station, District-Murshidabad, being the respondent no. 6 are directed to provide police assistance by deputing adequate number of police personnel on the date of election as fixed by this Court in order to ensure free and fair election.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Parties shall act on the server copy of this order by downloading the same from the official website of this Court without insisting on production of certified copy.

(Saugata Bhattacharyya, J.)

