

38 05.12.2023
Sc Ct. no.22

WPA 34586 OF 2013
With
I.A. No. CAN 2 OF 2023

Chatuspalli Darul Uloom
Senior Madrasah, Bughmari, Dewanchak
South 24-Parganas

Vs.

The State of West Bengal & Ors.

Mr. Tarapada Das
Mr. Puspam Das.

...For the Petitioner

Mr. Gourav Das

...For the State

This is a hearing matter after direction for filing affidavits but no affidavit-in-opposition has been filed.

This is a second round of writ litigation.

In the first round of writ litigation, pursuant to the direction of a coordinate Bench, the respondent no.3 decided and passed a reasoned order rejecting the claim of the petitioner.

Mr. Tarapada Das, learned advocate appearing for the petitioner submits that, on the strength of the notification dated **October 7, 2013** as mentioned in the impugned order being **Annexure-P6 at page 39** to the writ petition on which the claim of the petitioner was rejected, is not at all applicable in the given fact circumstance under which the madrasah claimed recognition.

Mr. Gourav Das, learned State counsel appears for the respondents.

On a close scrutiny of the impugned order this Court is of the considered view that, the impugned order is totally a cryptic one. The impugned order does not discuss as to the applicability of the **Government Order dated October 7, 2013**. The impugned order is lacking reasons as required to be given in law so that, the impugned order can be assessed on the basis of such reasons.

For all those reasons, the **impugned order** dated **November 14, 2013, Annexure-P6** to the writ petition cannot sustain in law and **stands set aside and quashed**.

To subserve justice, the **respondent no.3 shall revisit the issue on the basis of the existing materials** on which the impugned order dated **November 14, 2013** was passed after issuing a prior hearing notice of at least seven days upon the petitioner and then after affording an opportunity of hearing to the petitioner it shall pass its reasoned in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner by the respondent no.3 within a **further** period of **two weeks** from the date of the reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioner, the appropriate authority shall take all consequential steps to give effect thereto positively within a period of **three weeks** from the date of communication of the said reasoned order to such authority.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner shall be at liberty to urge whatever points it wishes to urge on the basis of the existing materials on which the said impugned order dated **November 14, 2013** was passed.

It is also made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive its claim strictly in accordance with law.

On the above terms this writ petition, **WPA 34586 of 2013** stands **disposed of** without any order as to costs.

In view of disposal of the writ petition the connected application also stands disposed of.

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

(Aniruddha Roy, J.)