

07.05.2024
Court No.13
Item No. 1
pk

WPA 13588 of 2021

**Atal Bihari Singh and another
Vs.
The State of West Bengal and others**

Mr. Partha Sarathi Bhattacharyya,
Mr. Raju Bhattacharyya
... for the petitioners.

Mr. Swapan Kumar Datta,,
Ms. Debjani Mitra
... for the State.

Mr. Bhaskar Prasad Vaisya,
Ms. Pinaki Bhattacharyya
... for the DPSC, North 24 Parganas.

1. It is submitted by the learned counsel for the petitioners that the petitioner no. 1 died on 17.07.2022. The name of the petitioner no. 1 is hereby expunged and the writ petition shall be continued by the petitioner no. 2.
2. This Court has perused the report of the Deputy Director of School Education(R/P), West Bengal dated 07.01.2022 and the exception thereto filed by the petitioner. The exception is kept on record. It appears that the petitioners seek appointment of a departmental nominee/person from the DPSC, North 24 Parganas.
3. By a letter dated 12th June, 2018 the D.I. of Schools has written to the Commissioner of School Education asking for appointment of a departmental

nominee for reconstituting the Managing Committee of Arya Vadyalaya, Titagarh (Primary Section).

4. It appears from the report dated 07.01.2022 that there are about five teachers in the primary section from 2017 to 2021. There are on average 300 students in the school.
5. There is some dispute as to whether the primary section has its own land and building. The school is running in the morning using four class rooms and one teachers room of the higher secondary section called Titagarh Arya Vidyalaya Higher Secondary School. It further appears that five teachers are appointed by the DPSC, North 24 Parganas. The report says that the school is running under the control of the DPSC, North 24 Parganas which is disputed by the petitioners.
6. Mr. Swapan Datta, learned Senior Advocate for the State submits that by reference to a notification of the State dated 27.02.1975, the Managing Committee is required to be reconstituted in terms of such notification.
7. In view of the letter dated 12th June, 2018 (supra) issued by the D.I. of Schools (P.E.), North 24 Parganas addressed to the Commissioner of School Education, a nominee of the State is required to be present on the Managing Committee of the primary school.

8. In the above circumstances, the writ petition is hereby disposed of directing the D. I. of Schools (P.E.), North 24 Parganas and the Commissioner of School Education, West Bengal to nominate any person on the Managing Committee of the Titagarh Arya Vidyalaya Primary Section, North 24 Parganas within a period of one month from date.
9. It is made clear that the aforesaid decision is confined to the issues raised in the writ petition. This Court has not gone into any other issue that may arise with regard to the status of the school-in-question.
10. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)