

21.5.2024
Ct.35,sl.14
sk

**WPA 12469 of 2009
(CAN 1 of 2024)**

Md. Aftabuddin-vs-State of West Bengal & Ors.

M.Anjan Bhattacharya
Mr. Jakir Hossain
...for the petitioner.

Mr. Suman Dey
Mr. Prashant Kumar Tripathi
.....for the State respondents.

Mr. Nadeem Sulaiman
.....for the Madrasah Boad.

Upon hearing, the court is frustratedly noticing the lack of coordination between the respondents as the statutory wings to effectively discharge the responsibility of granting recognition to the Chouki Junior High Madrasah, of which, the petitioner is the Secretary.

Mr. Bhattacharya is appearing for the writ petitioner.

In view of this court's earlier order dated January 6, 2003, it appears that by dint of the same, the court had directed the District Inspector of Schools (SE), Uttar Dinajpur/ present respondent no. 3, to form a team for

inspection, i.e., the District Level Inspection Team, within the stipulated period of time.

The said respondent was directed to forward the inspection report to the Director of Schools Education.

Consequently, the same was to be sent to the Education Department, Government of West Bengal for taking necessary action by the same towards granting recognition to the Madrasah. The reason for declining the same, if any at all, was also to be informed to the writ petitioner.

However, since 2003 no steps have been taken by the concerned respondent authorities in compliance with the same order of the Court.

The present writ petition arose in the year 2009 in which the petitioner has prayed for grant of recognition to the said Madrasah.

Mr. Sulaiman is appearing for the Madrasah Board. He submits that at present Minority Affairs and Madrasah Education Department is the concerned authority to grant recognition to the Madrasah, if any. It comes

under the administrative control of respondent no. 2, the Director of Madrasah Education.

So far the steps taken in compliance with the court's earlier order dated January 6, 2003, Mr. Sulaiman or the Board, both are in dark and not in a position to assist the court by providing any information.

There are various letters by the petitioner, addressed to the concerned respondent, seeking effective steps on its behalf with regard to his grievance, as above. However, those have gone in vain, so far.

Considering all as above, the court directs the respondent no. 2 to take into consideration the representation of the present writ petitioner dated May 11, 2009 and decide on that, by passing a reasoned order, after taking into consideration all the connected and relevant records from the respective other respondent authorities. In the process, the respondent no. 2 shall also afford an opportunity of hearing to

the present writ petitioner. He shall arrive at a finding only after considering all, as above.

The entire exercise shall be concluded by the respondent no.2 within a period of three weeks from the date of this order. In case, the Madrasah complies with the necessary requirements and has completed all steps to be eligible for grant of recognition, the same shall immediately be granted to it.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)