

ML 99
12.11.2024
Ct. No. 18
adeb

W.P.A. 18020 of 2023

Pranab Bhattachary
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra

..for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das

...for the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja

...for the WBBSE

Mr. Kanai Lal Samanta

...for the respondent nos. 6, 7, 10,11,
12 & 13

Headmaster of Gopalganj Priyanath Banibhaban
(H.S.) District-Purba Medinipur (hereinafter referred to as
the 'said school') has approached this Court with the
present writ petition, *inter alia*, praying for supersession
of the present Managing Committee and appointment of
an administrator over and in respect of the said school. It
is submitted by the learned advocate representing the
petitioner that statutory life of the Managing Committee
is upto the month of March 2025 but due to non
cooperation on the part of the President and other
members of the Managing Committee there is impasse in
the administration of the school. For at least six months

no Managing Committee meeting could be held. On the contrary respondent Nos. 6, 7, 10, 11, 12 and 13 are represented by Mr. Kanai Lal Samanta, learned advocate who submits that there are several allegations against the petitioner being the headmaster of the said school including failure on the part of the petitioner to submit audited accounts for the period prior to constitution of the present Managing Committee. According to these respondents petitioner is required to submit audited accounts.

State-respondents are represented by Mr. Biswabrata Basu Mallick, learned Additional Government Pleader who has filed a report of the concerned District Inspector of Schools dated 23rd September, 2024 and the same is taken on record. It is submitted that in spite of effort being made by the concerned District Inspector of Schools issue could not be resolved and direction of the District Inspector of Schools could not be complied with by holding meeting.

From the submissions made on behalf of the respective parties it appears that there is dispute continuing in between the members of the Managing Committee at one side and the petitioner being the headmaster of the school. Statutory life of the Managing Committee remains upto the month of March, 2025. Though prayer is made for appointment of administrator

in the school on supersession of the Managing Committee but no statutory provision has been brought to the notice of this Court which empowers either West Bengal Board of Secondary Education or the District Inspector of Schools (SE) to supersede the Managing Committee and appoint administrator. It has been submitted that since the said school is a Government sponsored institution Management of Sponsored Institution (Secondary) Rules 1972 is applicable.

In view of absence of provisions relating to appointment of administrator in superseding Managing Committee no relief can be granted to the petitioner based on prayer couched in this writ petition. Since Managing Committee has been constituted in terms of the aforesaid Rules of 1972 it is expected that the said Managing Committee would function strictly in accordance with the said rules. One month time is accorded to the Managing Committee of the said school to hold a meeting and bring the situation in order and submit a report to the District Inspector of Schools (SE) Purba Medinipur being respondent no. 4 and the President of the West Bengal Board of Secondary Education; such report shall be filed before the President of the Board as well as respondent no. 4 by 31st December, 2024. On submission of such report the President of Board as well as the respondent no. 4 shall

decide whether the school is running in accordance with the Rules of 1972 or not. In the event the Board as well as the respondent no. 4 find that the Managing Committee is unable to run the administration of the school in that event it will be open to the respondent no. 4 to appoint Drawing and Disbursing Officer in the said school for release of salary on utilizing Government grant in favour of the teaching and non-teaching staff of the said school and at the same time President of the Board shall also be at liberty to appoint administrator over and in respect of the said school on expressing dissatisfaction with regard to functioning of the Managing Committee after granting opportunity of hearing to the petitioner and the other members of the present Managing Committee. While taking decision the President of the Board shall consider the report of the District Inspector of Schools, if the same is submitted.

Decision to be taken by the respondent no. 4 as well as the President of the Board on submission of report on behalf of the Managing Committee of the said school within 4 (four) weeks thereafter.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)