

Court No. 18
(265704)

23.08.2024

(AD 12)

(S. Banerjee)

WPA 20926 of 2024

Akram Molla & Ors.

Vs.

State of West Bengal & Ors.

Mr. Balai Lal Sahoo

...for the petitioners

Mr. Supriyo Chattopadhyay

Mr. Shamim ul Bari

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Six elected guardian members have approached this Court with the present writ petition seeking direction upon the District Inspector of Schools (SE), Birbhum, being respondent no. 5, to place departmental nominee on the newly elected Managing Committee of Nalhati High Madrasah, District Birhum (hereinafter referred to as the 'said Madrasah') since the election was conducted on 10th December, 2023.

Mr. Balai Lal Sahoo, learned advocate representing the petitioners submits that just after holding election for reconstitution of the Managing Committee on 10th December, 2023, the Teacher in Charge of the aforesaid Madrasah submitted application vide letter dated 12th December, 2023 requesting the respondent no. 5 to place

departmental nominee on the newly elected Managing Committee which would enable the newly elected members as well as the head of the institution to hold office bearers' election. It is also submitted that the tenure of the present Managing Committee is going to expire on 31st August, 2024 and if before the said date departmental nominee is not placed by the respondent no. 5, the present Managing Committee will become defunct and there will be an administrative vacuum. It is also submitted that unless election of office bearers is conducted, the newly elected Managing Committee cannot take charge of the administration of the school.

Mr. Supriyo Chattopadhyay, learned Additional Government Pleader, represents the State-respondents including the respondent no. 5 who submits that in view of pendency of complaint relating to holding of election departmental nominee till date has not been placed.

Having considered the respective submissions made on behalf of the parties, this Court is at a loss how the respondent no. 5 can decide the fate of election which was held on 10th December, 2023. It is not within the domain of the respondent no. 5 to decide the legality and validity of the election which was held on 10th December, 2023. If any person has

grievance relating to the election which was conducted on 10th December, 2023, it would be open to raise election dispute before the concerned authority of the West Bengal Board of Madrasah Education.

In view of the aforesaid scenario, the respondent no. 5 is directed to place departmental nominee on the newly elected Managing Committee by 48 hours from the date of the communication of this order.

Leave is granted to the learned advocate representing the petitioners to communicate this order without waiting for obtaining server copy of this order.

Accordingly, the writ petition stands disposed of without, however, any order as to costs.

(Saugata Bhattacharyya, J.)