

19.02.2024
Item No.70 (M. List)
Court No.18
(P. Jana)

W.P.A. 23982 of 2023
Ohit Khan & ors.
-Vs-
The State of West Bengal & Ors.

Mr. Soumen Dutta,
Mr. Sk. Sayan Uddin,
.....for the petitioners.

Mr. Prasenjit Mukherjee,
Mr. N.K. Das,
.....for the respondent nos. 5 & 6.

Mr. Nadeem Sulaiman,
....for the Madrasah Board.

The petitioners contested the election of the Managing Committee of Kasbagola F.O.B. High Madrasah (H.S.), District: Purba Medinipur in respect of the Guardian Representative Posts.

The petitioners, in terms of Rule 33 of the **Rules for Management of recognised Non-Govt. Madrasahs (Aided and Unaided), 2002** has lodged a complaint with the Secretary of the West Bengal Board of Madrasah Education, the respondent no. 3 herein raising a dispute with regard to the validity and legality of the said election.

The petitioners are praying disposal of the said complaint.

Mr. Prasenjit Mukherjee, learned counsel on behalf of the elected Managing Committee of the school submits that the copy of the ballot papers annexed with the writ petition are manufactured,

therefore, his client is proposing to initiate a criminal proceeding against the persons involved in manufacturing such ballot papers.

The respondent no. 3, under the aforesaid Rules is obliged to dispose of the said election dispute under the aforesaid Rules, as such is directed to dispose of the same in accordance with law after giving all concerned an opportunity of hearing, such drill must be completed within a period of four weeks from the date of communication of this order.

It is made clear that pendency of the said election dispute shall not debar the authority to consider the prayer of the elected Managing Committee for its approval.

WPA 23982 of 2023 is thus **disposed of** with the above terms without any order as to costs.

Since no affidavit-in-opposition has been invited from the respondents, the allegations made in the writ petition are deemed to have been denied by them.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)