

14.11.2025
Sl. No.5
Ct. No.14
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/4906/2025
IQRA JUNIOR HIGH MADRASAH AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Md. Nauroz Rahber
Mr. Muhammad Jawwad
Ms. Shahin Parveen

...for the Petitioners.

Ms. Indrani Nandi

...for the State.

Mr. Nadeem Sulaiman

...for Madrasah Board.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioners seek for direction upon the respondent authorities to accord recognition to Iqra Junior High Madrasah as un-aided Madhyamik Siksha Kendra.
3. The petitioners' contention is that the petitioner no.1.is an unrecognised educational institute, represented by its Secretary. Petitioner no.2 is the Secretary and petitioner no.3 is the Headmaster of the said institute. The Iqra Junior High Madrasah is established in the year 1986 for imparting education upto Class-VIII amongst the tendered aged students of the said area. There is no Junior High Madrasah within a distance of

five kilometre. The petitioners' made an application for their recognition as un-aided Madrasah on 4th April, 2024. However, the same has not been considered as yet. Hence this writ petition.

4. Md. Nauroz Rahber, learned Advocate appearing for the petitioners submits for relegating the matter to respondent no.5 for consideration of the representation of the petitioners dated 4th April, 2024.
5. Mr. Nadeem Sulaiman, learned advocate representing West Bengal Board of Madrasah Education submits that matter may be sent to respondent no.5 for consideration.
6. Ms. Indrani Nandi, learned advocate for the State leaves the matter to the discretion of the court.
7. This is third round of litigation. In earlier writ petition being WPA 7904 of 2022 following direction was issued on 12th May, 2022:

“As it appears that the petitioner’s prayer for approval of the Madrasah from Classes V to VIII with organizing staff is pending consideration at the end of Director of Madrasah Education, accordingly, the instant writ petition is disposed of by directing the respondent no.2 to consider the prayer of the petitioners strictly in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioners immediately thereafter. It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioners.”

8. Pursuant to such order, by order dated 1st September, 2022 the OSD & Ex Officio Director of Madrasah Education, West Bengal considered the representation of the petitioners dated 17th May, 2022 but rejected the

prayer for approval with a liberty to approach West Bengal Board of Madrasah Education to accord recognition of the Institution as un-aided Madrasah in terms of G.O. No.1802-MD/O/5M-34/13 dated 7th October, 2013.

9. Subsequent thereto, on 9th November, 2022 the petitioners again made a representation for consideration of their prayer for approval as un-aided Madrasah before the concerned authority. Since no steps were taken, the petitioners filed a writ petition being WPA 8218 of 2023 which was disposed of on 9th October, 2023 with the following direction:

“The Secretary, West Bengal Board of Madrasah Education is directed to consider the pending application for recognition of the petitioner no.1 as an un-aided MSK in accordance with law within a period of eight weeks from the date of communication of this order after giving all concerned parties an opportunity of hearing.”

10. Pursuant to such order, the prayer for approval of recognition as un-aided Madrasah was considered by Secretary, West Bengal Board of Madrasah Education on 7th December, 2023 whereby such prayer was rejected with a liberty to make a comprehensive representation along with all required information/documents as per West Bengal Board of Madrasah Education (Recognition of unaided Madrasahs) Regulation 2010.
11. On 4th April, 2024 the petitioners have once again made a representation before the respondent no.5/the President, the West Bengal Board of Madrasah Education with a prayer for recognition as unaided

Madrasah. Such representation has not been disposed of as yet.

12. Accordingly, the respondent no.5, President, the West Bengal Board of Madrasah Education is directed to consider and dispose of the representation of the petitioners dated 4th April, 2024 (Annexure P-12 of the writ petition) upon notice to the petitioners and all other concerned authorities in accordance with law by a reasoned order within a period of eight weeks from date of communication of this order. The reasoned order shall be communicated to the petitioners within a week of passing thereof.
13. Learned advocate for the petitioner is directed to communicate this order to respondent no.5, President, the West Bengal Board of Madrasah Education, for necessary compliance.
14. With the above direction, the writ petition being **WPA 4906 of 2025** stands disposed of.
15. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

20. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)