

W.P.A. 6623 OF 2025

**Abdul Jalil
Vs.
The State of West Bengal & Ors.**

Mr. Sobhan Majumdar, Adv.

...for the Petitioner

Mr. Somnath Ganguli, Adv.

Ms. Sangeeta Roy, Adv.

...for the State

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

In the writ petition order dated 27th February, 2025 issued by the Deputy Secretary to the Government of West Bengal, School Education Department is assailed since petitioner claiming to be the President of the Managing Committee of Kharba H.N. Agril High School, Malda (hereinafter referred to as '*the said school*') has been replaced by one Sachin Saha. It is submitted on behalf of the petitioner that the reason which has been assigned in the impugned order dated 27th February, 2025 is unsatisfactory performance by the petitioner while functioning as President of the said school. It is also submitted that petitioner has been removed from the post of President of the Managing Committee with stigma without following appropriate procedure.

Writ petition has been opposed by learned advocates representing the State respondents and it is submitted that apart from the power conferred upon the respondent authority in terms of second Proviso to Rule 10 of the Management of Sponsored Institutions

(Secondary) Rules, 1972 (hereinafter referred to as '1972 Rules') which was inserted *vide* notification dated 8th March, 2018 by way of amendment, a Co-ordinate Bench *vide* order dated 27th March, 2025 in another writ petition being W.P.A. 24136 of 2019 (*Bablu Chandra Biswas & Ors. v. State of West Bengal & Ors.*) directed the President who has been inducted *vide* order dated 27th February, 2025 of the Deputy Secretary to take charge of the Managing Committee of the said school immediately and the Headmaster of the said school was also directed to render all sorts of assistance to the newly inducted President in taking such charge. It is also submitted that in terms of second Proviso to Rule 10 of 1972 Rules, State authority is empowered to replace the President of the Managing Committee before the expiry of the term of the Managing Committee, if the authority is satisfied on the basis of any formal or informal information that the replacement of such person is in the better academic or administrative interest of the concerned institution.

Having considered the submissions made on behalf of the parties and taking note of the relevant provisions as contained under second Proviso to Rule 10 of 1972 Rules, it appears that State authority is empowered to recall any nomination of a person as President of an institution before the expiry of statutory period of three years, if it is found on the basis of formal

or informal information that such replacement is necessary for better academic or administrative interest of the institution.

In the present case, in the impugned order dated 27th February, 2025 Deputy Secretary has observed that performance of the petitioner being President of the Managing Committee of the said school was not found to be satisfactory. Therefore, no stigma is attached to the petitioner while removing him from the post of President by nominating another person. It was further found to be necessary in terms of second Proviso to Rule 10 of 1972 Rules for better academic and administrative interest of the institution to induct another person in place and stead of the petitioner to function as President of the Managing Committee.

It needs to be recorded herein that a Co-ordinate Bench *vide* order dated 27th March, 2025 has also directed the newly inducted person to take charge as President of the Managing Committee of the said school and the Headmaster of the said school is directed to render all sorts of assistance to the newly inducted President.

It is unfortunate that during course of submission made on behalf of the petitioner such order passed by the Co-ordinate Bench on 27th March, 2025 in the writ petition being WPA 24136 of 2019 was not

brought to the notice of this Court and learned advocate representing the State respondents has informed the Court and placed the order dated 27th March, 2025 for consideration. The learned advocate for the petitioner in the present writ petition appeared before the Co-ordinate Bench on 27th March, 2025.

Writ petition stands dismissed.

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.)