

S/L 5
12.03.2025
Court. No. 551
Sourav

WPA 8419 of 2015

Syed Abdur Razzaque
Vs.
The State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari, Sr. Adv.
Mr. Manas Kumar Das
Mr. Aniruddha Tewari
Ms. Samriddhi Nayak

...for the petitioner.

Mr. Gourav Das

...for the State in Virtual Mode.

Mr. Moniruzzaman
Mr. Jahangir Badsha

...for the respondent no. 8.

1. The affidavit-of-service as filed in Court today is taken on record.
2. None appears on behalf of the Board, despite service.
3. Before entering into the merits of the instant matter, this Court noticed a typographical error occurred in the last line of the first page of the order dated 27.02.2025.
4. In view of such, the word 'instituted' be deleted and in its place the word 'constituted' be inserted.
5. Necessary correction in this regard is made by me in Court today.
6. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically, against the respondent no. 4 for cancellation and/or setting aside and/or withdrawing the letter dated 27.11.2014 which has been annexed at page no. 179 of the instant writ petition.

7. Mr. Tewari, learned Senior Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no. 80 of the instant writ petition being a copy of the letter dated 11.11.1964 as written by the then Secretary, West Bengal Board of Secondary Education addressed to the Secretary of the Nagar Aziz Memorial High School, P.O. Nagar, Dist. Murshidabad (hereinafter referred to as the 'said School') whereby and whereunder, the Secretary of the West Bengal Board of Secondary Education requested the Secretary of the said School to allow the present petitioner to be included in the Managing Committee. Drawing attention to page no. 174 of the instant writ petition, being a memo dated 20.08.2014, it is argued by Mr. Tewari that under cover of the said memo, the Deputy Secretary of the West Bengal Board of Secondary Education again requested the Headmaster of the said School to include the name of the present petitioner in the reconstituted Managing Committee of the said School but such request was not adhered to.
8. Mr. Tewari further submits that ultimately, by issuing the letter dated 27.11.2014 which is under challenge in the instant writ petition, the Deputy Secretary of the West Bengal Board of Secondary Education again requested the Commissioner of School Education, School Education Department, Government of West Bengal to submit a report so that the Board can take necessary steps in respect of inclusion of the name of

the present petitioner in the reconstituted Managing Committee of the said School.

9. Mr. Tewari thus submits that when the Board has already taken a decision for inclusion of the writ petitioner in the Managing Committee of the said School, it cannot seek a fresh report from the Commissioner of School Education with regard to the proposed inclusion of the present writ petitioner in the Managing Committee of the said School.
10. Per contra, Mr. Moniruzzaman, learned advocate appearing on behalf of the respondent no. 8 as well as the Secretary of the Managing Committee of the said School also draws attention of this Court to the page no. 80 of the instant writ petition. It is submitted by Mr. Moniruzzaman that from the first and second paragraph of the copy of the said letter dated 11.11.1964, it would reveal that the trust deed as has been allegedly executed by the predecessor-in-interest of the present writ petitioner has got no basis at all which is why the Board regrets its inability to allow any special constitution of the school on the basis of the said trust deed. It is further argued by him that the Managing Committee of the said School had taken a unanimous decision for non-inclusion of the writ petitioner.
11. Learned advocate for the State who appears in virtual mode submits before this Court that either the President or the Secretary of the West Bengal Board of Secondary Education may be directed to take

appropriate decision with regard to the prayer of the writ petitioner.

12. Upon careful consideration of the entire materials as placed before this Court, it appears to this Court that though the writ petitioner has prayed for inclusion of his name in the Managing Committee of the said School on account of contribution of his family members for establishment of the school and since the same has been denied by the Managing Committee of the School, this Court considers that justice would be sub-served if the Secretary of the West Bengal Board of Secondary Education is directed to take an appropriate decision on the basis of the instant writ petition which should be treated as a representation of the writ petitioner within a timeframe.
13. In doing so, this Court directs the Secretary, West Bengal Board of Secondary Education to treat the instant writ petition as a representation of the writ petitioner and after giving an opportunity of hearing to the writ petitioner and the Headmaster-cum-Secretary of the Managing Committee of Nagar Aziz Memorial High School, P.O. Nagar, Murshidbad shall pass a reasoned order in writing and to communicate its decision forthwith to the writ petitioner as well as to the Headmaster and the Secretary of the said School preferably by mail if Email details of the writ petitioner and the said Headmaster-cum-Secretary are provided to him at the time of hearing.

14. The entire exercise as indicated hereinabove is to be completed within three months from the date of communication of this order.
15. Liberty is given to the learned advocate-on-record of the writ petitioner to communicate a server copy of this order to the Secretary of the West Bengal Board of Secondary Education.
16. The Secretary, West Bengal Board of Secondary Education is directed to act on the server copy of this order.
17. With the aforementioned observations, the instant writ petition being **WPA 8419 of 2015** is disposed of.
18. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)