

S/L 64
24.06.2025
Court. No. 19
Suvayan

WPA 12607 of 2025

**Patha Bhavan Society
Vs.
The State of West Bengal & Ors.**

*Mr. Lakshmi Kumar Gupta, Sr. Adv.
Mr. Arjun Ray Mukherjee
Mr. Debkumar Sen*

...for the petitioner.

*Mr. Gourav Das
Mr. K. C. Kapas*

...for the State.

*Mr. Indranil Roy, Sr. Adv.
Mr. Sunit Kr. Roy
Ms. Susmita Mondal*

...for the respondent nos. 5 and 6.

Ms. Koyeli Bhattacharyya

...for W.B.B.S.E.

1. The writ petitioner, the respondent/State and its functionaries i.e. the respondent no. 1 to 3, the respondent no. 4 being the President, West Bengal Board of Secondary Education and the respondent nos. 5 and 6 are represented by their respective Counsels.
2. By filing the instant writ petition the writ petitioner/society has prayed for issuance of appropriate writ/writs commanding the respondents more specifically; the respondent no. 2 to consider the representation of the writ petitioner dated May 26, 2025 in accordance with the law.
3. At the time of hearing, Mr. Gupta, learned Senior Advocate duly assisted by Mr. Ray Mukherjee, learned Advocate at the very outset submits before this Court

that the writ petitioner is a society registered under the West Bengal Societies Registration Act, 1961. It is further submitted that the writ petitioner/society runs three schools in West Bengal including a school at premises no. 8/2, Gariahat Road, Kolkata – 700019.

4. It is further submitted on behalf of the writ petitioner that for the present the said school at Gariahat Road is now being run by the respondent no. 5. It is further submitted that under cover of a letter dated 26.05.2025 the writ petitioner had approached the respondent no. 2/authority for recommending for approval of special constitution for forming a managing committee in terms of the provision of Rule 8 of the Management of Recognized Non-Government Institutions (Aided and Unaided) Rules, 1969 (hereinafter referred to as the 'said Rules' in short). It is submitted that despite receipt of such representation the respondent no. 2/authority has not taken any decision over such representation as yet.
5. Ms. Bhattacharyya, learned Advocate appearing on behalf of the respondent no. 4 in her usual fairness submits before this Court that an appropriate order may be passed directing the respondent no. 2/authority to consider the representation dated 26.05.2025 as submitted by the writ petitioner in accordance with the law.
6. Mr. Das, learned Advocate appearing for the State and Mr. Roy, learned Senior Advocate for the respondent nos. 5 and 6 though adopted the argument of Ms.

Bhattacharyya, however, it has been contended that the respondent no. 2 may be directed to act in terms of the provisions of the aforementioned Rules.

7. Mr. Roy, learned Senior Advocate appearing on behalf of the respondent nos. 5 and 6 further contended that the contention of the writ petitioner as made in the instant writ petition regarding running of the school by the writ petitioner/society is contrary to the truth.
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court considers that the prayer made in the instant writ petition by the writ petitioner is very innocuous inasmuch as Rule 8 (3) of the said Rules clearly envisages that the executive committee shall have the power to approve the constitution of a special committee in favour of an institution on the basis of the application of such institution and in approving such special constitution of a committee the executive committee shall have to pay due regard to the recommendation of the commissioner.
9. Admittedly, the writ petitioner/society has approached the commissioner for making recommendation for approval of the special constitution of a committee in terms of the said Rules and to that effect the writ petitioner/society has also approached the Board by making a representation dated 21.03.2024.
10. In view of such, while disposing the instant writ petition, this Court directs the respondent no.

2/authority to consider the representation dated May 26, 2025 as submitted by the writ petitioner in accordance with law and after giving an opportunity of hearing to the authorized representative of the writ petitioner and/or other stakeholders, if there be any, shall pass a reasoned order in accordance with law.

11. It is made clear that in the event while passing such reasoned order the respondent no. 2 thought it fit to make a positive recommendation in favour of the writ petitioner, he shall forthwith forward such recommendation to the West Bengal Board of Secondary Education i.e. to the respondent no. 4.
12. On receipt of such recommendation, the West Bengal Board of Secondary Education shall take appropriate decision in terms of Rule 8 (3) of the said Rules in respect of the representation of the writ petitioner dated 21.03.2024.
13. The entire exercise as stated in the foregoing paragraphs is to be completed by the respondent no. 2/authority within 60 working days from the date of communication of the server copy of this order.
14. In the event the respondent no. 2 proposes to make a recommendation favourable to the writ petitioner, the West Bengal Board of Secondary Education, more specifically; the respondent no. 4 shall dispose of the representation dated 21.03.2024 of the writ petitioner also within 60 working days from the date of receipt of the recommendation from the respondent no. 4.

15. It is needless to mention herein the respondent no. 4/authority before passing a reasoned order shall give due opportunity of hearing to all stakeholders including the authorized representative of the writ petitioner, if he feels it necessary.
16. Liberty is given to the learned Advocate-on-Record of the writ petitioner to communicate the server copy of this order to the respondent nos. 2 and 4 forthwith.
17. The respondent nos. 2 and 4 are directed to act on the server copy of this order.
18. The time limits as fixed by this Court are mandatory and peremptory.
19. With the aforementioned observations, the instant writ petition being WPA 12607 of 2025 is disposed of.
20. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)