

40 25.08.2025
SM Court No.759

WPA 13964 of 2025

**Fazle Haque
Vs
The State of West Bengal & Ors.**

Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Haque

... for the petitioner

Mr. Nadeem Sulaiman

... for the Madrasah Board

The Petitioner has prayed for withdrawal of suspension order dated 24.11.2024 since he is enlarged on bail. A suspension order was issued by the Administrator of Madrasah Hussainia High Madrasah (H.S.), Murshidabad since the petitioner was implicated in a criminal case being Mayureswar P.S. Case No.76/24 dated 29.06.2024. Petitioner was taken into custody on 29.08.2024 for a period of 7 days and later on released on bail.

It is contended on behalf of the petitioner that since no disciplinary proceeding is pending against him and the charges levelled against the petitioner are not in connection with discharge of his duty as an Assistant Teacher of the aforesaid madrasah, he should be permitted to resume duty immediately upon withdrawal of the suspension order.

The Madrasah Board is represented by learned advocate and from the submission made by him it

appears that till date, no decision has been taken by the concerned authority of the Board regarding continuation of the suspension of the petitioner.

Upon perusal of Rule 28 Sub-Rule (3) of the Management of Recognized Non-Government Madrasahs (Aided and Unaided) Rules, 2002, it further appears that, in the event any employee of a madrasah is taken into custody for a period exceeding forty-eight hours under any law providing for preventive detention or as a result of proceedings either on criminal charges or otherwise, such employee shall be deemed to have been suspended by an order of the Administrator of the committee, with effect from the date of his detention, and shall remain under suspension until further orders.

Since, in the present case, no formal order has yet been passed by the concerned authority of the Board, no useful purpose will be served in keeping the writ petition pending.

Accordingly, the President, West Bengal Board of Madrasah Education, is directed to take decision as to whether the suspension order shall continue or not against the petitioner, by passing a reasoned order after granting opportunity of hearing to the petitioner and the madrasah authority or their representatives within a period of eight (8) weeks from the date of

communication of this order. The decision to be taken by the President of the Board shall be communicated to the parties by one (1) week thereafter.

With the above directions, writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Rajarshi Bharadwaj, J.)