

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

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rkd
12.08.2025
Ct.18
DM

W.P.A. 14784 of 2025

Nilmoni Banerjee

-vs-

The State of West Bengal & Ors.

Mr. Sourav Prasanna Mukherjee,
Mr. Arka Mondal

....for the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner is son of a founder member on the Managing Committee of Lodna Mankhamar Vivekananda Vidyamandir, Bankura (hereinafter referred to as "said school"). At the material point of time when the school was governed by the Management of Recognized Non-Government Institutions (Aided and Unaided), Rules, 1969 father was founder member. Subsequently, the said school was converted into Government Sponsored Institution.
3. Government Sponsored Institution is governed by Management of Sponsored Institutions (Secondary), Rules, 1972. Petitioner prays for his inclusion in

the Managing Committee of the said school under the category of Founder Member.

4. Question arises for consideration whether son of a founder member is required to be considered as founder member of the said school likewise his father in absence of relevant statutory provisions.
5. In terms of Management of Recognized Non-Government Institutions (Aided and Unaided), Rules, 1969 there is no provision that son of a founder member on the Managing Committee of the school is required to be treated as founder member.
6. Rule 5(ii) of the Management of Sponsored Institutions (Secondary), Rules, 1972 contemplates two representatives of the Body/Organization/Society aiding or cooperating with the State Government in setting up institution can be part of Managing Committee of a Sponsored Institution.
7. Indisputably, in the present case no existence of Body/Organization/Society is found which aided or cooperated with the State Government in setting up the institution. Therefore, petitioner cannot claim benefit of Rule 5(ii) of 1972 Rules.
8. Moreover, 1969 Rules do not recognize right of son of original founder member for membership of the Managing Committee.

9. Hence, no relief can be granted to the petitioner.
10. The writ petition stands dismissed.
11. However, there shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)