

03.12.2025
Sl. No.18
Ct. No.14
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/14950/2025
GOLAM MOHAMMAD
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Soumen Kumar Datta
Mr. Partha Sarathi Basu
Mr. Subham Datta

...for the Petitioner.

Mr. Vimal Kumar Shahi

...for the State.

Mr. Nadeem Sulaiman
Mr. Saidul Islam Sk

...for Madrasah Board.

Mr. Uday Sankar Chattopadhyay
Ms. Sadia Parveen

...for the Respondent

No.7.

1. By the present writ petition the petitioner seeks for setting aside/cancellation and/or withdrawal of the impugned order dated 13th June, 2025 issued by the Administrator/Sub-Inspector of Schools, Rampurhat East Circle, Margram, Birbhum (Annexure P-2).
2. The petitioner contends that the Administrator was appointed on 2nd July, 2024 by the Secretary, West Bengal Board of Madrasah Education for discharging function over administrative affairs of Madrasah. However, the Administrator without discharging his function has delegated its power to a Committee to

calculate the number of days absence of Head Master of Margram High Madrasah and submit absence of statement and all documents relating to the Head Master to the Administrator. Being aggrieved and dissatisfied with such action on the part of the Administrator, the petitioner has preferred the present writ petition.

3. Mr. Soumen Kumar Datta, learned Advocate for the petitioner submits that the Administrator has to act in accordance with the powers as provided in the West Bengal Board of Madrasah Education Rules, 1994. The order passed for formation of an internal committee is *dehors* the Rules. Therefore, such action taken by the Administrator forming an internal committee is illegal and arbitrary. He seeks for setting aside of the impugned letter dated 13th June, 2025 by which such committee is formed.
4. Mr. Nadeem Sulaiman, learned advocate appearing for the Madrasah Board submits that the Committee formed by the Administrator is an internal committee and has been directed to enquire into the absence of Head Master. The action of the Administrator is in the nature of check and balance for smooth running of the administration of the Madrasah. The Head Master concerned is absent from his service in school for the last one and half years which is affecting the functioning of the school as a whole. Referring to Rule 8 of West Bengal Board of Madrasah Education

Rules, 1994, he submits that the Administrator has all the powers of the Committee till a Committee is formed in accordance with law. Therefore, such action taken by the Administrator in the interest of Madrasah Administration cannot be called in question. He seeks for dismissal of the writ petition.

5. Mr. Uday Sankar Chattopadhyay, learned advocate appearing for the respondent no.7 i.e. Three Men Committee also submits in the similar fashion on behalf of the Madrasah Board.
6. Having heard the learned advocates for the respective parties, the only question which falls for consideration is whether the Administrator by the impugned letter was empowered to form such Committee or not.
7. Rule 8 sub-section (3) provides that on supersession of a Committee or on expiry of the term of a Committee the Board shall appoint an Administrator or an *Ad hoc* Committee to exercise the powers and perform the functions of the Committee. Therefore, the Administrator by dint of such enabling provision on his appointment is empowered with the powers and functions of the Committee.
8. Rule 27 provides for the power and functions of the Committee. Upon reading of the aforesaid provision, it appears that there are no such powers given to the Committee to form any internal committee to act as a fact finding committee and enquire thereon.

9. Accordingly, it appears that the formation of such a Committee by the impugned letter dated 13th June, 2025 of the Administrator is not borne out of any provision of the Rules.
10. In view of the above, the letter dated 13th June, 2025 issued by the Administrator/Sub-Inspector of Schools, Rampurhat East Circle, Margram, Birbhum is hereby set aside.
11. The writ petition being **WPA 14950 of 2025** is allowed and disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)