

Form No. J(2)

Item No. DL / 10

RKD – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 15630 OF 2025

Pranab Bhattacharya

-Vs-

The State of West Bengal & Ors.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Kamalesh Bhattacharya,
Mr. Banshi Badan Maity,
Mr. Goutam Malik

For the State : Mr. Swapan Kumar Datta,
Mr. Dipankar Das Gupta

For the WBBSE : Ms. Koyeli Bhattacharyya

For the respondent no.9 : Mr. Subir Sanyal,
Mr. Sutirtha Das,
Mr. Trijit Mitra

Heard On : 11.09.2025

Judgment On : 11.09.2025

SAUGATA BHATTACHARYYA, J.:

1. Affidavit of service filed on behalf of the petitioner is taken on record.

2. In the writ petition order dated 24th April, 2025 issued by the Deputy Secretary to the Government of West Bengal, School Education Department is assailed whereby respondent no.9 was nominated as the President of the Managing Committee of Gopalganj Priyanath Banibhaban (HS), Purba Medinipur (hereinafter referred to as the “said school”).
3. Mr. Bhattacharya, learned advocate representing the petitioner submits that petitioner is the Headmaster of the said school who questions validity of the nomination order dated 24th April, 2025 first based on a document at pages 31 and 32 of the writ petition. By the said document dated 6th March, 2025 issued by the Deputy Secretary to the Government of West Bengal addressed to the District Inspector of Schools (SE), Purba Medinipur report and opinion were sought for from the concerned District Inspector of Schools (SE) for reconstitution of Managing Committee of twenty six (26) schools.
4. Memo dated 6th March, 2025 also depicts representation made by local MLA for extension of the existing President and Persons Interested in Education of the Managing Committees of twenty six (26) schools in Purba Medinipur.
5. According to the petitioner, said memo dated 6th March, 2025 disclosing representation on behalf of the MLA vitiates order dated 24th April, 2025 whereby respondent no.9 was nominated as the President of the Managing Committee of the said school.

6. It is also submitted on behalf of the petitioner that a criminal case is pending against the respondent no.9. Therefore, respondent no.9 is not eligible to function as the President of the Managing Committee of the said school. Submission is also made that impugned order dated 24th April, 2025 was received by the said school authority on 26th June, 2025. Therefore, at the time of filing the writ petition being WPA 12018 of 2025 on 21st May, 2025 petitioner did not have opportunity to question order dated 24th April, 2025.
7. Mr. Sanyal, learned senior advocate representing the respondent no.9 submits that process of reconstitution of the Managing Committee of the said school has been initiated by the concerned authorities in terms of the order of the President of the Ad-hoc Committee of the West Bengal Board of Secondary Education (hereinafter referred to as the “Board”) dated 21st January, 2025.
8. It is also submitted that order of the President of the Board contains three separate directions. By first direction, petitioner was recommended to be transferred to another school. Vide second direction, District Inspector of Schools (SE), Purba Medinipur being respondent no.6 was directed to take steps for appointment of Drawing and Disbursing Officer (DDO) in the said school upon dissolving the existing Managing Committee. In terms of the third direction, respondent no.6 was also directed to initiate the process of reconstitution of the Managing Committee in accordance with law.

9. It is further submitted on behalf of the respondent no.9 and the State respondents that as per first direction of the President of the Board as contained in order dated 21st January, 2025 whereby petitioner was recommended for transfer which was questioned by filing a writ petition being WPA 12018 of 2025. The writ petition was disposed of vide order dated 25th June, 2025 by this Court setting aside the recommendation for transfer of the petitioner dated 21st January, 2025.
10. According to the respondents, since the writ petition being WPA 12018 of 2025 was instituted on 21st May, 2025 impugned order of nomination dated 24th April, 2025 was already issued at the time of instituting the said writ petition but same was not questioned. Petitioner found it fit to confine the issue against recommendation for transfer dated 21st January, 2025.
11. After recommendation for transfer of the petitioner was set aside by this Court vide order dated 25th June, 2025 by filing this writ petition challenge is thrown to the order of nomination dated 24th April, 2025 in order to frustrate the process of reconstitution.
12. Mr. Datta, learned senior advocate representing the State respondents has drawn attention of this Court to a letter dated 3rd June, 2025 which is at pages 37 and 38 of the writ petition wherefrom it appears that a case under POCSO Act is also pending against the petitioner.

13. Court is required to consider the validity of the order of nomination dated 24th April, 2025. Only point which is agitated on behalf of the petitioner is memo dated 6th March, 2025 of the Deputy Secretary to the Government of West Bengal addressed to the respondent no.6 wherein representation of local MLA was referred to that was for extension of existing President and Persons Interested in Education of the Managing Committees of twenty six (26) schools under the jurisdiction of respondent no.6.
14. If Court proceeds on the premise that local MLA made a representation for continuation of persons who were functioning as President and Persons Interested in Education in those twenty six (26) schools that ought not *ipso facto* vitiate the process of nomination as made vide order dated 24th April, 2025 by the Deputy Secretary to the Government of West Bengal.
15. In the said school Managing Committee was dissolved in terms of the order dated 21st January, 2025 of the President of the Board and DDO has already been appointed vide memo dated 25th February, 2025 by the respondent no.6. Therefore, question of continuation of erstwhile President of the Managing Committee of the said school does not arise. Moreover, respondent no.9 never functioned as President of the Managing Committee of the said school.
16. In consideration of aforesaid facts, it can be inferred that representation made by local MLA was not considered so far present

school is concerned by the Deputy Secretary to the Government of West Bengal while nominating respondent no.9 as the President of the Managing Committee.

17. Moreover the said school ought not to be permitted to run under DDO for an indefinite period and there is requirement to constitute the Managing Committee immediately for the academic interest of the said school.
18. It appears that after recommendation for transfer of the petitioner dated 21st January, 2025 was set aside by this Court vide order dated 25th June, 2025 by filing this writ petition an attempt is made to frustrate the reconstitution process.
19. It is also not demonstrated to this Court that whether respondent no.9 is ineligible to function as President of the Managing Committee of the said school apart from a feeble attempt is made on the part of the petitioner to rely upon the memo dated 6th March, 2025 in order to invite attention of this Court that there was recommendation by the local MLA.
20. In view of aforesaid consideration this Court does not find any infirmity in the order dated 24th April, 2025 whereby respondent no.9 has been nominated as the President of the Managing Committee.
21. Hence, the writ petition stands dismissed.
22. However, there shall be no order as to costs.

23. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)