

17.02.2025
Court No. 18
Item No.67
(Suvendu)

WPA 27157 of 2024

Abdus Samad
-Versus-

The West Bengal Board of
Madrasah Education & Ors.

Mr. Rezaul Hossain
Mr. Anirban Saha
Mr. Parvez Hossain
.....for the petitioner

Mr. Debnarayan Banerjee
Mr. Chandan Chakraborty
...for the State

Mr. Nadeem Sulaiman
...for the Madrasah Board

Mr. Nauraz Rahber
Mr. Muhammad Jawwad
.....for the respondent nos. 5 & 7

In the writ petition resolution adopted by the Managing Committee of N.T.B.K. High Madrasah (HS), Uttar Dinajpur (hereinafter referred to as “said Madrasah”) dated 18th September, 2024 has been assailed since petitioner was removed from the post of Secretary of the Managing Committee by the said resolution.

It is submitted by learned advocate representing the petitioner that without obtaining necessary approval from the concerned authority of West Bengal Board of Madrasah Education (for short, “Board”)

subsequently another resolution was adopted on 28th September, 2024 by the Managing Committee to induct new secretary.

It is contended that in terms of Rule 10(2) of the Management of Recognized non-Government Madrasah (Aided and Non-aided) Rules, 2002, Managing Committee of a Madrasah cannot unilaterally remove its Secretary without approval of the concerned authority of the Board.

Learned advocates representing the said Madrasah and State respondents on instruction submits that vide letter dated 5th November, 2024 teacher-in-charge of the said Madrasah has sought for approval from the Secretary of the Board for removal of the Secretary of the Managing Committee of the said Madrasah.

It is contended on behalf of the Board that since the writ petition is pending till date no decision has been taken by the Secretary of the Board.

Having considered the respective submissions made on behalf of the parties, writ petition stands disposed of directing the Secretary, West Bengal Board of Madrasah Education being respondent no. 3 to decide whether decision taken by the Managing

Committee of the said Madrasah on 18th September, 2024 for removal of its secretary will be approved or not. Respondent no. 3 shall take a reasoned decision after granting opportunity of hearing to the petitioner and one representative of the said Madrasah by four weeks from the date of communication of this order and such decision to be communicated to the parties by seven days thereafter.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)