

W.P.A. 28665 of 2024

**Debaditya Roy
Vs.
The West Bengal Board of High Madrasah
Education & Ors.**

Mr. Dhananjay Banerjee
Mr. Jisan Iqbal Hossain

...for the Petitioner

Mr. Nadeem Sulaiman
Mr. Muhammad Jawwad

...for the Madrasah Board

Mr. Shamim Ul Bari
Ms. Indrani Nandi

...for the State

Md. Sarwar Jahan
Sk. Nayeemul Hoque

...for Respondent No.6

Petitioner has prayed for lifting of suspension order dated 22nd September, 2023 since he is enlarged on bail. A suspension order was issued by the Administrator of Pathardanga Osmania High Madrasah (H.S.), Murshidabad since petitioner was implicated in a criminal case being Berhampore P.S. Case No.679/2023 dated 25th May, 2023. Petitioner was taken into custody on 26th May, 2023 for a period of 105 days and later on released on bail.

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

Learned advocate representing the aforesaid madrasah submits that madrasah authority does not

have objection if petitioner is permitted to resume duty since madrasah is suffering due to absence of the petitioner being the sole Clerk of the said madrasah. However, it is further submitted on behalf of madrasah authority that decision needs to be taken by the concerned authority of West Bengal Board of Madrasah Education in terms of Rule 28 Sub-Rule (3) of Management of Recognized Non-Government Madrasahs (Aided and Unaided) Rules, 2002.

Madrasah Board is represented by learned advocate and from the submission made by him it appears till date no decision has been taken by the concerned authority of the Board relating to continuation of suspension against the petitioner.

On perusal of Rule 28 Sub-Rule (3) of the aforesaid Rules of 2002, it further appears 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 a proceeding either on criminal charges or otherwise, shall be deemed to have been suspended by an order 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 is passed by the concerned authority of the Board, no

purpose shall be sub-served in keeping this writ petition pending.

President, West Bengal Board of Madrasah Education is directed to take decision 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.

(Saugata Bhattacharyya, J.)