

120.
(ML)

17.03.2025
Ct. No. 18
(ARPAN)

W.P.A. 27363 of 2023

**Sanjay Mahato
Vs.
The State of West Bengal & Ors.**

Mr. Saibal Acharya
Mr. Sougata Mitra
Mr. Nikhil Kumar Gupta
Mr. Subhadeep Maitra
Ms. Soma Chakraborty
Ms. Suhasri Chatterjee

...for the Petitioner

Mr. Supriyo Chattopadhyay, AGP
Ms. Tapati Samanta
Mr. Arindam Ghosh

...for the Petitioner

Today learned advocate representing the State respondents has filed a written instruction dated 3rd March, 2025 which has been furnished by the Deputy Secretary to the Government of West Bengal, School Education Department and same is taken on record.

On perusal of such written instruction, it appears that petitioner was nominated as President of Kantadih Siksha Satra High School (H.S.), Purulia (hereinafter referred to as "*the said school*") vide order dated 25th February, 2020 issued by the Deputy Secretary to the Government of West Bengal, School Education Department but he could not function as President of the Managing Committee of the said school. It appears from the written instruction of the Deputy Secretary that the said school authority could not form the Managing Committee in terms of the order dated 25th February, 2020 due to Covid-19 as a result whereof District Inspector of Schools (S.E.), Purulia did not

permit the petitioner to take charge as President of the Managing Committee of the said school.

Subsequently, one order had been issued dated 21st March, 2023 by the Deputy Secretary to the Government of West Bengal addressed to the District Inspector of Schools (S.E.), Purulia whereby directing the said District Inspector of Schools (S.E.) to take immediate steps for permitting the petitioner to function as nominated President of the Managing Committee of the said school. Ultimately, in terms of order dated 25th February, 2020 read with a subsequent order dated 21st March, 2023 petitioner took charge as President of the Managing Committee of the said school.

Meanwhile another order was issued on 28th November, 2023 thereby nominating one Mr. Jagadish Mahato as President of the Managing Committee of the said school.

Since petitioner was not permitted to function as the President of the Managing Committee of the said school after being nominated in terms of the order dated 25th February, 2020 and subsequently, he had to take charge in terms of order dated 21st March, 2023, at the time of issuance of impugned order dated 28th November, 2023, he did not complete his tenure of three years as contemplated under Rule 10 of the Management of Sponsored Institutions (Secondary) Rules, 1972.

Taking note of this aspect Deputy Secretary has also expressed his view in the written instruction that the impugned order dated 28th November, 2023 nominating Mr. Jagadish Mahato as the President of the Managing Committee of the said school needs to be cancelled.

Taking note of such view as expressed by the Deputy Secretary to the Government of West Bengal, School Education Department and also considering the fact that petitioner could not function as President of the Managing Committee of the said school for a period of three years in terms of the order of nomination dated 25th February, 2020, the impugned order dated 28th November, 2023 stands set aside.

The petitioner shall be permitted to function as the President of the Managing Committee of the said school for a period of three years according to law which is to be counted from the date of his taking charge pursuant to the order dated 21st March, 2023 issued by the Deputy Secretary to the Government of West Bengal, School Education Department. After expiry of the period of three years, State authorities shall be at liberty to issue fresh order nominating a candidate to function as President of the Managing Committee of the said school.

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.)