

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION**

PRESENT:

THE HON'BLE JUSTICE GAURANG KANTH

W. P. A. 332 OF 2025

**BELAL HOSSAIN MOLLIK
VS.
THE STATE OF WEST BENGAL & ORS.**

For the Appellant : Mr. Biswaroop Bhattacharya,
Mr. Aninda Bose,
Mr. Golam Mohiuddin,
Mr. Jogesh Chandra Roy.

For the State : Mr. Momenur Rahman,
Mr. Bikash Singha.

For the Board : Mr. Nadeem Sulaiman.

Heard on : 11.06.2025

Judgment on : 11.06.2025

Gaurang Kanth, J. :-

1. The present writ petition has been filed by the petitioner seeking to set aside the impugned resolution dated 17.12.2024, passed by the alleged Managing Committee of Kalmati High Madrasah.

2. Mr. Bhattacharyya, learned Counsel for the petitioner, submits that the petitioner was appointed as the Headmaster on 30.07.2011 in accordance with the provisions of the West Bengal Madrasah Service Commission Act. The appointment letter was issued by the then Secretary of

Kalmati High Madrasah (H.S.), District – Cooch Behar, appointing the petitioner as Headmaster of the said Madrasah. The petitioner duly joined the post on 04.08.2011. His appointment was subsequently approved by the District Inspector of Schools (Secondary Education), Cooch Behar, on 14.09.2011.

3. It is further submitted by the learned Counsel that since his appointment, the petitioner has been discharging his duties as the Headmaster of Kalmati High Madrasah (Higher Secondary). However, all of a sudden, on 12.01.2025, the petitioner received an intimation from the alleged Managing Committee regarding its Resolution No. MC/01/2025 dated 11.01.2025, under which a suspension letter was issued to him with effect from 12.01.2025.

4. It is contended that the said suspension letter is void ab initio, as the Managing Committee that issued it is not recognized by the West Bengal Board of Madrasah Education. The learned Counsel further submits that the said Managing Committee is an illegal, self-proclaimed body having no legal authority or standing under the law. Accordingly, the suspension order dated 12.01.2025 is per se illegal and liable to be set aside.

5. This Court, by its order dated 7th March 2025, directed the West Bengal Board of Madrasah Education to submit a report indicating whether any such Managing Committee exists in respect of the said institution.

6. The Board, respondent no. 4, has filed a report stating that the approval of the Managing Committee of Kalmati High Madrasah (Higher Secondary), District –Cooch Behar, is still pending due to the institution's lack of up-to-date recognition.

7. In view of the stand taken by the Madrasah Board, the Managing Committee which issued the suspension letter is not a recognized body. Consequently, such a body has no authority to issue any order of suspension. Since the resolution in question was passed by a committee lacking legal recognition, any subsequent action taken by it is without lawful authority and is rendered invalid under the provisions of the West Bengal Management of Recognised Non-Government Madrasahs (Aided and Unaided) Rules, 2002.

8. In light of the report submitted by the Madrasah Board, this Court has no hesitation in holding that the suspension order dated 12.01.2025 is illegal and is accordingly set aside. The petitioner shall continue to serve as the Headmaster of Kalmati High Madrasah and shall be entitled to draw his full salary and all other service-related benefits in accordance with the terms of his appointment letter dated 30.07.2011.

9. With the above direction, the present writ petition is disposed of.

10. There shall be no order as to costs.

11. Photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on usual undertaking.

(Gaurang Kanth, J.)