

22.04.2026
Sl. No.3(DL)
Ct. No.14
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 990 of 2026

Nurul Hoque

Versus

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Anindya Bhattacharya

...for the Petitioner.

Mr. Akash Dutta

...for the State.

Mr. Nadeem Sulaiman,
Mr. Mijanul Kabir

...for the Madrasah Board.

Mr. Sunit Kumar Roy,
Ms. Susmita Mondal

... for the Managing Committee

1. By the present writ petitioner, the petitioner challenges the report of the enquiry officer dated 12th December, 2025 and seeks for quashing of the same on the ground that the enquiry officer is not the authorized under the Rules to cause enquiry.
2. Mr. Kamalesh Bhattacharya, learned Advocate for the petitioner submits that the enquiry officer is a retired judicial officer. As per sub-rule (4) of Rule 31 of the Management of Recognised Non-Government Madrasahs (Aided and Unaided) Rules, 2002 (*hereinafter referred to as the Rules of 2002*), the retired judicial officer is not the appropriate authority to

conduct the enquiry. Due to lack of such authority, the enquiry report submitted by the authority is not sustainable and is liable to be quashed.

3. Mr. Sunit Kumar Roy, learned Advocate for the Managing Committee of Amdanga Kendriya Siddiquia Hamidia Rahana Senior Madrasah (*in short said Madrasah*) concedes that the enquiry officer is not authorized under the Rules of 2002. However, he seeks liberty may be granted to the Managing Committee to proceed against the petitioner in accordance with law.
4. Mr. Nadeem Sulaiman, learned Advocate for the Madrasah Board also submits in the similar fashion.
5. The only issue which falls for consideration is whether the enquiry officer is authorized under the Rules of 2002 or not to cause enquiry in the fact of the instant case.
6. In order to examine the aforesaid issue, it would be apposite to reproduce sub-rule (4) of Rule 31 of the Rules of 2002 as hereunder:

“(4) (i) The Committee shall in all cases for the purpose of enquiry shall appoint an inquiring authority who shall be :

(a) an Assistant teacher of another Madrasah where the enquiry is against a non-teaching staff; or

(b) an Assistant teacher of another Madrasah of the same or higher status when the enquiry is against an assistant teacher; or

(c) a Head of another Madrasah of same status when the enquiry is against the Head of Madrasah; or

(d) in case it is not possible to make appointment as indicated above, an officer under the control of the District Inspector of Schools, not below the rank of the Assistant Inspector of Schools, as may be deputed by the District Inspector of Schools on request from the Committee.

(ii) The Committee shall forward to the inquiring authority so appointed the following documents:

(a) a copy of the charge-sheet and the statement of facts relating to each head of charge;

(b) a copy of the statement of witnesses, if any;

(c) evidence proving the delivery of the documents referred to in sub-rule (2) to the employee of Madrasah.”

7. Upon bare reading of the aforesaid rule, it is found that the retired judicial officer is not the appropriate authority to conduct enquiry under Rules of 2002. Thus the enquiry report dated 12th December, 2025 submitted by the Enquiry Officer is without authority.
8. Accordingly, the Enquiry report dated 12th December, 2025 stand quashed.
9. However, it is left open to the Managing Committee of the said Madrasah to proceed against the petitioner on the basis of the allegation that has been leveled in the charge sheet dated 25th March, 2025 (Annexure P/9) in accordance with law.
10. With the above observation, the writ petition being **WPA 990 of 2026** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)