

27.02.2026
Item No.04
Court No.11
Avijit Mitra

**MAT 134 of 2026
with
IA No.CAN 1 of 2026
with
IA No.CAN 2 of 2026**

**The State of West Bengal & ors.
- versus -
Maidul Khan & ors.**

Mr. Joydip Banerjee,
Mr. Tapas Kumar Dey,
Ms. Mousumi Banerjee,
Mr. Mijanul Kabir
...for the appellants
Mr. Biswaroop Bhattacharya,
Mr. Abu Sohel
....for the respondent no.1
Mr. Rabi Shankar Chatterjee,
Mr. Anindya Sundar Das,
Mr. Shaunak Ghosh,
Ms. Suva Gayen,
Ms. Paramita Mondal,
Mr. Suman Halder,
Sk. Babulal
...for the added respondent no.3

Affidavit-of-service, as filed, be kept on
record.

The present appeal has been preferred by the
State and its functionaries along with the West
Bengal Board of Madrasah Education (hereinafter
referred to as the Board) and its functionaries
challenging an order dated 22nd January, 2026
passed in a writ petition being WPA 832 of 2026.

Mr. Banerjee, learned advocate appearing for the appellants submits that Maidul Khan (in short, Maidul) being the writ petitioner/respondent no.1 was never permanently approved as an Assistant Teacher of Contai Rahamania High Madrasah (hereinafter referred to as the said Madrasah) and that he has no right to remain in the said Madrasah in any capacity. He claims to be the Teacher-in-Charge (in short, TIC) of the said Madrasah. There is, however, no order passed by the competent authority as regards approval of Maidul as the TIC of the said Madrasah. Such facts were not taken into consideration by the learned single Judge before issuance of the *interim* order directing the Board to hand over the ID and password to Maidul. Such direction to hand over the ID and password to Maidul would be detrimental to the interest of the students of the said Madrasah.

Mr. Chatterjee, learned advocate enters appearance on behalf of the respondent no.3 herein, namel, Firoj Khan (in short, Firoj), who also claims to be the approved TIC of the said Madrasah and adopts the submissions of Mr. Banerjee.

He informs that several writ petitions have been preferred pertaining to the affairs of the said Madrasah and the same are still pending and

necessary directions need to be issued for hearing of all the matters together.

Mr. Bhattacharya, learned advocate appearing for said Madrasah denies and disputes the contention of Mr. Banerjee and Mr. Chatterjee and submits that Maidul had been functioning as the TIC of the said Madrasah. By the order impugned in the present appeal, the learned single Judge, upon arriving at a *prima facie* satisfaction as regards Maidul's competence to act as the TIC of the said Madrasah and in the interest of the students, as an *interim* measure, has directed the Board to hand over the ID and password to Maidul for enrolment process in the High Madrasah Examination, 2026. At the same time, the learned single Judge has deferred consideration of the prayer for furnishing ID and password relating to online e-pension and I-OSMS till the affidavits are exchanged by the parties. Such directions have not, in any manner, caused any prejudice to the appellants and as such no interference is called for in the present appeal.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

An appellate power interferes not when the order appealed is not right but only when it is clearly

wrong. A Court of Appeal should not ordinarily interfere with the discretion exercised by the Courts below.

Indisputably, there appears to be a severe dispute between Maidul and Firoj, both of whom are claiming to be the TIC of the said Madrasah. Several writ petitions preferred as regards the functioning of the said Madrasah are still pending before this Court. The learned single Judge, in our opinion, has rightly kept the writ petition pending to be decided finally upon exchange of affidavits and as *interim* measure has directed the Board to hand over ID and password to Maidul to ensure that the students do not suffer in enrolling themselves to participate in the High Madrasah Examination, 2026 with a rider that the interim direction shall not create any equity in favour of either of the parties.

The learned single Judge upon dealing with the factual issues and bearing in mind the future of the students, who have to appear in the High Madrasah Examination, 2026, has issued a direction upon the Board to issue ID and password to Maidul and we do not find any infirmity in such exercise of discretion warranting interference in the appeal.

Accordingly, the appeal and its connected applications are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)