14.10.2026
Sl. No.11
Ct. No.14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 10402 of 2026

Selim Raja & anr.
Versus
The State of West Bengal & Ors.

Mr. Sudip Sarkar
Mr. Jakir Hossain
Mr. Asiar Rahaman Molla
...for the Petitioner.

Mr. Brijendra Pratap Singh
Mr. Asit Kumar De
...for the State.

Mr. Nadeem Sulaiman
Mr. Mijanul Kabir
... for the West Bengal Board of Madrasah Education

1. By the present writ petition the petitioners seek direction upon the respondent authorities particularly respondent no.2, the Directorate of Madrasah Education, Government of West Bengal to comply the solemn order dated 21st May, 2024 passed in WPA No.12469 of 2009 and issue letter of recognition in favour of the Choukai Jr. High Madrasah, Galia, Uttar Dinajpur (hereinafter referred to as *'the said Madrasah')* on the basis of report submitted by the District Level Inspection Team (in short, *'DLIT').*

2. The petitioners contend that the petitioner no.1 is the Head Master and the petitioner no.2 is the Secretary of the organising Managing Committee of the said Madrasah. The petitioners submitted application seeking for recognition of the said Madrasah. However, since no steps were taken, the petitioners were constrained to file a writ petition being WP 9071(W) of

2002 which was disposed of on 6th January, 2003 with a direction upon the respondent authorities to form a DLIT for furnishing report and further to send the same to the Secretary, Education Department, Government of West Bengal. Thereafter repeated representations were made by the said Madrasah for grant of recognition, which was ignored without any response. Being aggrieved the petitioners filed another writ petition being WPA 12469 of 2009 which was disposed of vide order dated 21st May, 2024 with the following directions:

> " *Considering all as above, the court directs the respondent No.2 to take into consideration the representation of the present writ petitioner dated May 11, 2009 and decide on that, by passing a reasoned order, after taking into consideration all the connected and relevant records from the respective other respondent authorities. In the process, the respondent no.2 shall also afford an opportunity of hearing to the present writ petitioner. He shall arrive at a finding only after considering all, as above.*
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> *The entire exercise shall be concluded by the respondent no.2 within a period of three weeks from the date of this order. In case, the Madrasah complies with the necessary requirements and has completed all steps to be eligible for grant of recognition, the same shall immediately be granted to it."*

3. Pursuant thereto on 12th July, 2024 hearing notice was issued to the said Madrasah as well as other concerned respondents fixing 24th July, 2024 at 1.30 p.m. for hearing.
4. The petitioners contend that for delayed service of notice the petitioners could not appear on the date of hearing. Hence, this writ petition seeking for compliance of the order passed in WPA 12469 of 2009.
5. Mr. Sudip Sarkar, learned Advocate appearing on behalf of the petitioners submit that the petitioners

could not appear for hearing on 24th July, 2024 since the notice was not served in due time. He seeks that direction be issued upon the respondent authorities particularly, respondent no.2, the Directorate of Madrasah Education, Government of West Bengal for fixing a date so that the matter can be heard out before the authority in compliance to the order passed in the earlier writ petition..

6. Learned Advocates for the West Bengal Board of Madrasah Education as well as State concede to such submission.

7. In view of the above, the respondent no.2, the Directorate of Madrasah Education, Government of West Bengal is directed to fix a date of hearing within a period of two weeks from the date of communication of this order. The date of hearing shall be communicated to the petitioners prior to one week of fixing the same.

8. The petitioners are directed to communicate this order to the respondent no.2, the Directorate of Madrasah Education, Government of West Bengal, for necessary compliance.

9. With the above direction, the writ petition being **WPA 10402 of 2026** stands disposed of.

10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

11. Interim order, if any, stands vacated.

12. All connected applications, if any, stand disposed of.

13. There shall be no order as to costs.

14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

15. 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.)