

18.03.2026
Sl. No.13
Ct. No.14
ss

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

W.P.A. No. 17959 of 2025

**The Managing Committee,
Mandarpur High Madrasah & anr.
Versus
The State of West Bengal & Ors.**

Mr. Soumen Kumar. Dutta
Mr. Abu Sohel
Mr. Subham Dutta

...for the Petitioners.

Mr. Supriyo Chattopadhyay, Ld. AGP
Mr. Biswarup Biswas

...for the State.

Mr. Nadeem Sulaiman
Mr. Mijanul Kabir

... for the Madrasah Board

1. Exception to the report filed by petitioners is taken on record.
2. By the present writ petition the petitioners seek for cancellation and/or withdrawal of the order under Memo No.284/Law/R.O dated 1st August, 2025 passed by the respondent no.5, the Secretary, West Bengal Board of Madrasah Education appointing an Administrator and issuance of direction upon the respondent authorities particularly, respondent no.5 to grant approval to the new Managing Committee.
3. The petitioners contend that the petitioner no.2 is the Secretary of the Mandarpur High Madrasah and has been authorised by the members of the Managing Committee to move the present writ petition. The

Madrasah was initially recognised in the year 2000 vide Memo No.821 dated 20th September, 2000 and subsequently, by Memo No.926/REG/14 dated 19th August, 2014 the Board has granted extension of recognition of the said Madrasah for a period of 15 years with effect from 1st May, 2013 or until further order, whichever is earlier. In the meantime, a circular has been issued by the Board on 1st August, 2017 asking for applying afresh to the Board for further extension of recognition of the Madrasah, which has been given recognition in terms of Office Circular No.REC/81 dated 5th January, 1981, Circular No.RECOG/1/87 dated 9th January, 1987 and Memo No.1088(420) dated 16th December, 1994. The election for formation of Managing Committee of the said Madrasah has already been held and prayer for approval of the Managing Committee has been forwarded to the Board along with requisite documents including Form 4 [MC]. However, without granting the required approval of the Managing Committee, the Board has appointed an Administrator by the impugned order dated 1st August, 2025.

4. Being aggrieved by the action of the respondent no.5, the Secretary, West Bengal Board of Madrasah Education, the petitioners have preferred the present writ petition.
5. Mr. Soumen Kumar. Dutta, learned Advocate appearing on behalf of the petitioners submits that by

letter dated 19th August, 2014 the Madrasah has been granted recognition for a period of 15 years with effect from 1st May, 2013. By letter dated 1st August, 2017, fresh application for extension of recognition has been called for in respect of Madrasah whose recognition was granted by dint of circulars mentioned therein. Those circulars do not apply in case of the present Madrasah and therefore question of seeking for further extension of recognition cannot arise. The Board without granting approval for formation of new Managing Committee has arbitrarily and highhandedly appointed an Administrator without any rhyme or reason. The recognition as per the letter dated 19th August, 2014 is still valid and therefore, the Board cannot insist upon the Madrasah for applying afresh for further extension of recognition. He also indicates that an Administrator appointed by the Board cannot function for indefinite period and a Managing Committee has to be formed under the Rules for administration of the Madrasah. Relying on the decision of the Hon'ble Supreme Court in *The Managing Committee, Bheramari A.M. High Madrasah & anr. –versus- The State of West Bengal & ors. (Special Leave Petition (Civil) No.5368 of 2020)* he submits that the Administrator be directed to hold the election at the earliest.

6. Mr. Nadeem Sulaiman, learned Advocate appearing on behalf of the West Bengal Board of Madrasah

Education submits that the writ petition is not maintainable at the instance of the petitioners since no resolution authorising the petitioners to move the writ petition has been produced before this Court despite opportunity been given to the petitioners. Moreover, the West Bengal Board of Madrasah Education has repeatedly called upon the Teacher-in-Charge, Mandarpur High Madrasah to produce relevant documents regarding the allegations of mismanagement of the Madrasah and related matters. However, till date no such documents have been filed before the Board. There are allegations of financial irregularities against the Committee for which reason an Administrator has been appointed for smooth functioning of the Madrasah. The petitioners have not produced any documents that they are not covered by the Circulars as required under letter dated 1st August, 2017. He also informs that the Administrator shall take steps under law as and when required for holding election for formation of new Managing Committee and for smooth functioning of the Madrasah. In view of the above, he seeks for dismissal of the writ petition.

7. Mr Supriyo Chattopadhyay, learned Additional Government Pleader representing the State submits that as the Managing Committee has not been approved by the Board and in the absence of proper authority, petitioners have no *locus* to maintain the writ petition. In support of his contention he relies on

the decision of a co-ordinate Bench of this court passed in W.P no. 1241(W) of 2010. Moreover, the extension granted by the authority concerned is subjected to fulfilment of certain terms and conditions. In the event the requisite criteria is not fulfilled, the authority concerned has the power to withdraw such recognition.

8. Upon hearing the learned Advocates for the respective parties, following issues fall for consideration.
9. *Firstly*, whether the present writ petition is maintainable or not; and *Secondly*, whether the impugned order dated 1st August, 2025 of Secretary of the West Bengal Board of Madrasah Education is sustainable or not.
10. So far as the maintainability of the writ petition is concerned, the same has been challenged on the ground that the petitioners have no *locus* to move the writ petition since there is no authorisation. In order to examine the issue under consideration it would be apposite to at first peruse the pleadings made by the petitioners. In paragraph no.2 of the writ petition it is averred by the petitioners that the members of the Managing Committee have authorised the Secretary of Mandarpur High Madrasah, namely, petitioner no.2 to move the present writ petition. Be that as it may, such averment is bereft of date of resolution/authorisation made by the members. Moreover, the petitioners though have stated such fact on oath, however, has

not produced any scrap of papers showing authorisation of petitioner no.2 by the Managing Committee to move the instant writ petition. Mr. Dutta, learned Advocate for the petitioner tried to impress upon the court by submitting that the documents of authorisation are lying with the Administrator. Be that as it may, there is no such pleading with regard to the said aspect. Moreover, no plausible reason is demonstrated before the Court as to how fact of authorisation has been pleaded by the petitioners on oath without there being any document in support of the same. Despite opportunity been given to the petitioners to produce relevant documents of authorisation, the petitioners have failed to produce any documents in such regard. In view of the above, this Court finds that the petitioners do not have the *locus standi* to move the writ petition in the absence of any proper authorisation. Accordingly, the writ petition is not maintainable.

11. Be that as it may, the other issue concerning the challenge to the order of the Board dated 1st August, 2025 of appointment of the Administrator since have been pressed into service is also taken up for examination. Upon perusal of the impugned order of the Board it is found that such order of appointment of an Administrator has been passed after several complaints were received from local stakeholders including a complaint dated 22.03.2023 alleging that

members of the proposed Managing Committee of mismanaging the affairs of the Madrasah and that too without approval of the Board. Admittedly, letters were issued by the Board to the Teacher-in-Charge of the Mandarpur High Madrasah asking for production of relevant documents including documents required for recognition of Madrasah. Undisputedly, neither those documents have been produced before the Board nor the Teacher-in-charge appeared. Further it was found that the Madrasah has been functioning under the management of an unapproved Managing Committee for more than two years. Thus, considering the allegations that were received against the Managing Committee of irregularities the appointment of the Administrator has been made for better administration of the Madrasah. Thus, this Court does not find any infirmity in so far as the appointment of the Administrator is concerned. Be that as it may, a duly elected Managing Committee is to be formed for carrying out the administration concerning the affairs of the Madrasah as has been rightly pointed out by Mr. Dutta, learned Advocate for the petitioners relying on the decision of Hon'ble Supreme Court in *Managing Committee, Bheramari A.M. High Madrasah (supra)*.

12. In view of the above discussion, the writ petition being **WPA 17959 of 2025** stands dismissed.
13. However, the Administrator is directed to take steps for holding election for formation of a new Managing

Committee within a period of three months from date of communication of this order.

14. Learned advocate for the petitioners is directed to communicate this order to the Administrator for necessary compliance.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. 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.)