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29.01.2026
Ct. No. 11
rrc

MAT 1390 of 2025
with
IA No. CAN 1 of 2025
(Nilmoni Banerjee Vs. The State of
West Bengal & Ors.)

Mr. Sourav Prasanna Mukherjee
.... For the appellant

Mr. Supriyo Chattopadhyay, AGP
Mr. Sabyasachi Mondal
..... For the State respondents

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

The present appeal has been preferred challenging an order dated 12th August, 2025 passed in the writ petition being WPA 14784 of 2025. By that order, the writ petition was dismissed.

Briefly stated, the facts leading to the presentation of the present appeal are that the petitioner/appellant herein is the son of a founder member of the Managing Committee of Lodna Nankhmar Vivekananda Vidyamandir, Bankura (hereinafter referred to as “the said school”). Initially, the said school functioned as a recognized unaided school and, as such, the affairs of the Managing Committee were governed by the provisions of the Management of Recognized Non-Government Institutions (Aided and Unaided) Rules, 1969 (hereinafter referred to as “the 1969 Rules”).

In terms of Rule 5((1)(b) of the 1969 Rules, the petitioner’s father, being a founder of the said school, was a member of the Managing Committee thereof. After the demise of his father, the petitioner also became a member of the said committee and

continued in that capacity under the Founder Category until 2019. However, thereafter, he was excluded from the Managing Committee. In the meantime, the school was converted into a Government Sponsored Institution and, accordingly, its affairs are now governed by the Management of Sponsored Institutions (Secondary) Rules, 1972 (hereinafter referred to as “the 1972 Rules”).

Aggrieved by his exclusion from the Managing Committee, the petitioner made a representation before the District Inspector of Schools (SE) (hereinafter referred to as “the DI of Schools”). The DI of Schools, after narrating the sequence of events, referred the matter to the Deputy Secretary, West Bengal Board of Secondary Education, for reconsideration of the petitioner’s appeal seeking re-inclusion in the Managing Committee. Subsequently, alleging inaction on the part of the concerned respondent in considering his appeal for re-inclusion, the petitioner preferred a writ petition being WPA 14784 of 2025. By the order impugned herein, the said writ petition was dismissed. Hence, the present appeal.

Mr. Mukherjee, learned advocate appearing for the appellant, submits that the petitioner, being the son of a founder member of the said school, acquired a right to be a member of the Managing Committee of the school in terms of Rule 5(1)(b) of the 1969 Rules. He further submits that such right could not have been curtailed by applying the provisions of the 1972 Rules. It is contended that this issue was specifically urged before the learned Single Bench; however, the same was overlooked and no finding was returned thereon. Such infirmity, according to him,

warrants interference with the order impugned in the present appeal.

Mr. Chattopadhyay, learned Additional Government Pleader appearing for the State respondents, submits that the right of a son of a founder member of a school to be a member of the Managing Committee is no longer available under the 1972 Rules and, accordingly, the Managing Committee was justified in not including the petitioner in the Managing Committee.

Heard the learned advocates for the respective parties. Perused the materials on record.

Admittedly, Rule 5(1)(b) recognises the right of a son of a founder member of a school to be a member of the Managing Committee of that school and, in exercise of such right, the petitioner acted as a member of the Managing Committee until 2019. Admittedly, after the said school was converted into a Government Sponsored School, the affairs of the Managing Committee are governed by the provisions of the 1972 Rules.

Rule 5(ii) of the 1972 Rules recognises the right of representatives of a body, organisation or society aiding and cooperating with the State Government in setting up the institution to be members of the Managing Committee. However, the Legislature has consciously not used the word “person”. Therefore, such right has not been extended to an individual who, or whose predecessor, aided and cooperated with the State Government in setting up an institution governed by the 1972 Rules. Accordingly, we concur with the contention of Mr. Chattopadhyay that such right is not available to the

petitioner, being the son of a founder of the school, under the 1972 Rules.

Therefore, we do not find any infirmity or perversity in the order impugned in the appeal. Accordingly, the appeal and the connected application are dismissed. However, there shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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