

22.06.2026
Sl. No. 40
Ct. No.14
AN

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

WPA/25352/2025
DON BOSCO PRIMARY SCHOOL,
AZIMGANJ (GIRLS' UNIT) & ANR.
VS
STATE OF WEST BENGAL AND ORS.

Md. Sarwar Jahan
Mr. Nayeemul Hauqe
Ms. Shalini Sen
Ms. Sahina Parvin

...for the Petitioner.

Mr. Brijendra Pratap Singh
Mr. Asit Kumar De

...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. On the prayer of the learned advocate appearing for the petitioner, leave is granted to the petitioner to file supplementary affidavit.
3. Supplementary affidavit filed on behalf of the petitioner is taken on record.
4. By the present writ petition the petitioner seeks direction upon the respondent authorities to forthwith issue "*No Objection Certificate*" and to facilitate the issuance of Minority Status Certificate in favour of the present lawful Management in the interest of justice.
5. The petitioners contend that the petitioner no. 1 is a government aided primary school namely Don Bosco Primary School (Girls' Unit) having DISE Code

19071309402 recognised by the competent authority. Initially the founder-cum-governing body of the instant school was under “The Salesians of Don Bosco” though the land and building belonged to “The Charity of Saints Bartolomea Capitanio and Vincenza Gerosa”. “The Sisters of Charity” and the “Salesian of Don Bosco” have mutually agreed to transfer the management and administration to “the Charity of Saints Bartolomea Capitanio and Vincenza Gerosa” on or about 8th July, 2019. Initially, the Minority Status Certificate was issued on 29th January, 2007 by the National Committee. The State Authority also issued Minority Status Certificate in favour of the petitioner in the year 2014. After the transfer of the Management and Administration, the new Management applied before the respondent authorities for issuance of the Minority Status Certificate. On 25th December, 2022, a letter was given to the Commissioner, Minority Affairs and Madrasah Education Department by the Secretary, Don Bosco Primary School, (Girls Unit), Azimganj, Murshidabad. By letter dated 24th February, 2023, the petitioners were requested to produce certain documents for issuance of Minority Status Certificate including the No Objection Certificate obtained from the aid-sanctioning authority. The matter is still pending consideration before the respondent authorities. Hence this writ petition.

6. Md. Sarwar Jahan, learned advocate appearing for the petitioner submits that in terms of the order dated 20th April, 2026, the petitioners were granted liberty to produce necessary documents but from the records it has come to the knowledge of the petitioners that already all the relevant documents have been submitted before the concerned authority. Referring to letter dated 17th February 2026 of District Inspector of School (Primary) Murshidabad (Annexure P-14) to the supplementary affidavit he submits the Directorate of School Education being the Aid Sanctioning Authority has already recommended for grant of NOC for Minority Status in favour of the Don Bosco Primary School, (Girls Unit), Azimganj, Murshidabad and the matter now rests with the concerned higher authority to take an appropriate decision. He seeks that the matter be relegated to the higher authority being respondent no. 2, the Principal Secretary, School Education Department (P.E.), Government of West Bengal to take a decision with regard to the recommendation made by the Directorate of School Education, West Bengal.
7. Mr. Brijendra Pratap Singh, learned advocate representing the State concedes to such submission.
8. It appears from the letter dated 17th February, 2026 under Memo No. 66/1(5)/P of the District Primary School Council, P.E., Murshidabad, Annexure P-14 to the supplementary affidavit that the Commissioner of

School Education, West Bengal has by its letter under Memo No. 123-Sc-P/3P/1P/2016 dated 22nd February, 2024 addressed to the Additional Secretary to the Government of West Bengal, School Education Department has recommended to issue the NOC for minority status in favour of the Don Bosco Primary School, (Girls Unit), Azimganj, Murshidabad.

9. It is further seen that such recommendation is pending with the higher authorities to take appropriate decision for issuance of final NOC in favour of the petitioner.
10. In view of the above, respondent no. 2, the Principal Secretary, School Education Department (P.E.), Government of West Bengal is directed to take decision in respect of recommendation made by the Commissioner of School Education, West Bengal on 22nd February, 2024 for issuance of the NOC for minority status of the petitioner namely Don Bosco Primary School, (Girls Unit), Azimganj, Murshidabad within a period of six weeks from the date of communication of this order.
11. With the above directions, the writ petition being **WPA 25352 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.

16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. 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.)