

16 21.06.2024
rkd Ct.18

W.P.A. 15894 of 2024

The Managing Committee, Contain Rahamania High
Madrasah (H.S.) & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Sumen Kumar Dutta,
Mr. Abu Sohel,
Mr. Sk. Sayan Uddin

....for the petitioners.

Mr. Suhin Dey,
Ms. Tuhina Parvin

....for the State.

Mr. Shaunak Ghosh,
Ms. Farhana Khatun,
Ms. Paramita Mandal

....for the Contain Rahamania High School(H.S.).

Mr. Nadeem Sulaiman

....for the Madrasah Board.

In the writ petition the memo dated 11th June, 2024 issued by the Secretary, West Bengal Board of Madrasah Education is under challenge.

By the said memo dated 11th June, 2024, according to the petitioners the present Managing Committee of Contai Rahamania High Madrasah, District-Purba Medinipur has been superseded by appointing administrator who has been directed to take charge immediately and the administrator has been permitted to function for a period of one year or until further order with effect from the date of

assumption of charge.

Mr. Dutta, learned advocate representing the petitioners while questioning the impugned order dated 11th June, 2024 passed by the Secretary, West Bengal Board of Madrasah Education has placed before this Court two orders, one dated 20th October, 2022 passed by a coordinate Bench on a pending writ petition being WPA 23314 of 2022 and another order dated 10th April, 2024 passed by the Hon'ble Division Bench on an intra Court appeal being MAT 1156 of 2023.

Vide order dated 20th October, 2022 the coordinate Bench restrained the respondents from giving effect to the order dated 29th September, 2022 till the regular Bench hears the said writ petition. The Hon'ble Division Bench in the order dated 10th April, 2024 had the occasion to consider the order dated 20th October, 2022 and has observed that the West Bengal Board of Madrasah Education cannot seek for any separate direction by faulting the order passed by the coordinate Bench on 20th October, 2022 in view of the direction as contained in the said order of the coordinate Bench.

Having heard the learned advocates representing the petitioners, West Bengal Board of

Madrasah Education, Contai Rahamania High Madrasah (H.S.) and the State respondents it appears that the situation remains unaltered as on date; therefore the validity and legality of the order dated 11th June, 2024 passed by the Secretary, West Bengal Board of Madrasah Education appointing administrator in the Madrasah in question cannot be examined in view of subsistence of the interim order dated 20th October, 2022.

However, considering the entire issue relating to management of the said Madrasah this Court finds it necessary to hear the present writ petition along with the writ petition being WPA 23314 of 2022 in order to settle the issue once for all.

Let the present writ petition be heard along with the writ petition being WPA 23314 of 2022 analogously.

The writ petition being WPA 23314 of 2022 be made available on record before the next date of hearing of the present writ petition.

List the matters under the heading “Motion” on 28th June, 2024 for further consideration.

In view of continuity of the interim order dated 20th October, 2022 passed by the coordinate Bench on the writ petition being WPA 23314 of

2022 the order of the Secretary, West Bengal Board of Madrasah Education as contained in the memo dated 11th June, 2024 shall remain stayed till 31st July, 2024 or until further order, whichever is earlier.

(Saugata Bhattacharyya, J.)