

WPA 23314 of 2022

***The Managing Committee, Contai
Rahamania High Madrasah (H.S.) & Anr.
Vs.
The State of West Bengal & Ors.***

Mr. Surojit Nath Mitra
Mr. Soumen Kr. Dutta
Mr. Abu Soyel

...for the petitioners

Mr. Naba Kumar Das
Mr. Sutanu Chakraborti

...for the State

Mr. Partha Sarathi Deb Barman
Mr. Anindya Sundar Das

....for the respondent Nos. 6 & 9

Mr. Nadeem Sulaiman

...for the Madrasah Education

The reasoned order dated September 29, 2022 is assailed in this writ petition by the Managing Committee of the Madrasah in issue and also the Secretary of the Managing Committee.

Mr. Mitra, learned Senior Counsel appearing on behalf of the petitioners submits that the Impugned order was passed in the teeth of previous orders passed by Co-ordinate Benches of this Hon'ble Court. Mr. Mitra further submits that no further effect should be given to the Impugned order dated September 29, 2022 till the matter is taken up for consideration by

the Regular Bench. Furthermore, the charge could not have been handed over by the Teacher-in-Charge and it was only possible for the Managing Committee of the Madrasah-in-issue to hand over the charge to the present administrator who has been appointed pursuant to the Impugned order.

Mr. Sulaiman, learned Counsel appearing for the respondent Nos. 2 and 3 being the Director and the Secretary of the Minority Affairs and Madrasah Education Board, submits that charge has already been handed over by the Teacher-in-Charge pursuant to Impugned order dated September 29, 2022. Therefore, the order dated September 29, 2022 has already been acted upon.

Mr. Deb Barman, learned Counsel appearing on behalf of the respondent Nos. 6 and 9 submits that the order dated September 29, 2022 has already been given effect to. He further submits that the Impugned order has been passed pursuant to an order passed by a Co-ordinate Bench of this Hon'ble Court on September 20, 2022. Mr. Deb Barman further adds that his client being the Teacher-in-Charge/ Respondent No. 6 could not have handed over the charge to the Administrator. The Administrator has assumed the charge in respect of the said Madrasah.

Having heard the learned Counsel for the parties and also the materials placed on record, this Court is of the view that no further effect to the impugned order dated September 29, 2022 should be given till the business of the Regular Court permits consideration of the instant writ petition.

Let the matter be now placed before the Regular Bench.

All parties to act on a server copy of this order downloaded from the official website of this Court.

(Lapita Banerji, J)