

SUPREME COURT OF INDIA

Bheramari A.M. High Madrasah

Vs.

State of West Bengal

SLP(Civil)No.5368 of 2020

(S.A.Bobde,CJI., B.R.Gavai and Surya Kant,JJ.,)

18.03.2020

ORDER

1.The petitioners challenge the orders passed by the Division Bench of the High Court of Calcutta dated 19.2.2020 thereby dismissing the appeals filed by the petitioners, which, in turn, were filed by them being aggrieved by the orders passed by the single judge of the High Court dated 24.12.2019 vide which the writ petitions filed by the petitioners came to be rejected.

2. Dr. Rajeev Dhavan, learned Senior Counsel appearing on behalf of the petitioners, submits, that the single judge of the High Court erred in directing appointment of an Administrator.

3. Undisputedly, the petitioners – Managing Committees came to be elected in the year 2015 and, that the term of the said Managing Committees came to an end in the year 2018. Under sub-rule (11) of Rule 5 of the Management of recognised Non-Government Madrasahs (Aided and Unaided) Rules, 2002 (hereinafter referred to as “the said Rules”), if the Head of the Madrasah fails or neglects to convene the meeting for the purpose of approving the election programme for holding of an election for constitution or reconstitution of the Committee, the District Inspector of Schools is entitled to entrust all works pertaining to the election to the Assistant Headmaster/Assistant Superintendent and, if there is no Assistant Headmaster/Assistant Superintendent available, to the senior-most approved Assistant Teacher of the Madrasah.Under Rule 8 of the said Rules, the Madrasah Board is also entitled to appoint an Administrator.

4. From the perusal of the record, it would reveal, that the petitioners - Managing Committees of the Madrasahs failed to initiate the process of election for reconstitution of the Committee within the prescribed period.

5. As such, we see no reason to interfere with the orders of the single judge of the High Court thereby, granting liberty to the Madrasah Board to appoint an Administrator and further directing the Board to facilitate the election of a new Managing Committee and hand over the affairs of the School to such elected body as per the prevalent rules.

6. The Special Leave Petitions, therefore, are disposed of. However, we direct the respondent Nos. 6 and 7 i.e. the West Bengal Board of Madrasah Education, Kolkata and the District Inspector of Schools (S.E.), Birbhum to appoint an Administrator(s) within a period of four weeks from today and further direct the Administrator, so appointed, to conduct the elections of the Managing Committees within a period of eight weeks from the date of his appointment.