
(2014) 05 CAL CK 0026
In the Calcutta High Court
Case No : W.P. No. 7634(W) of 2007

Ramjee Shaw

APPELLANT

Vs

The District Inspector of School (S.E.), Hooghly and Others

RESPONDENT

Date of Decision : 06-05-2014

Acts Referred:

Citation : (2014) 05 CAL CK 0026

Hon'ble Judges : Sambuddha Chakrabarti, J

Bench : Single Bench

Advocate : Soumitra Bandopadhyay, Advocate for the Appellant; Subhabrata Datta, Advocate for the State and Mr. Kajal Ray, Advocate for the Headmaster, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Sambuddha Chakrabarti, J.—By the present writ petition the petitioner has inter alia prayed for a writ in the nature of Mandamus commanding the respondents nos. 1 and 2 to act in terms of the notification which has been annexed to the writ petition as Annexure P-1 by placing only the departmental nominee in the newly constituted Managing Committee of the concerned school as per the list submitted by the petitioner and for other reliefs.

2. The petitioner who is the Vice President of the Arya Pratinidhi Sabha as well as of the Managing Committee of Champadani Arya Vidyapith in the district of Hooghly (the school for short) is aggrieved by an order issued by the respondent no. 1. Since the said school is run by the Arya Samaj the government issued a notification by which special rules for the management of the school were framed.

3. The grievance of the petitioner is that the respondent no. 1 has not been following the special rules and circulars and was going to place a person interested in education on the Managing Committee. He was also going to hold election for the office bearers which again was beyond the provisions of the special rules. According to the petitioner the respondent no. 1 is to co-opt the

school committee as the Managing Committee of the school which had been sent by the petitioner as a member of the Arya Samaj and the respondent no. 1 should have approved the same by placing only the departmental nominee.

4. In spite of being given opportunities the said respondents did not file any affidavit-in-opposition. However, Mr. Subhabrata Dutta, the learned advocate for the state-respondents submitted that the life of the previous Managing Committee had already expired and an administrator has been appointed who is still functioning. The authorities were under a mistaken belief that because of the pendency of the writ petition it would not be proper to take any step for constitution of the Managing Committee. Mr. Dutta further submitted that if any direction is passed by the court for the preparation of the Managing Committee the state-respondents shall discharge their responsibilities in accordance with the rules without any further delay.

5. Mr. Soumitra Banerjee, the learned advocate for the petitioner, submits that he has no objection to the stand taken by the State respondents and prayed for a direction for constituting a fresh Managing Committee strictly in accordance with the said rules.

6. However, Mr. Roy, the learned advocate for the Headmaster of the school disputed the validity of the special constitution and submitted that the same had already be rescinded by the appropriate authority.

7. After hearing the learned advocates for the parties and after going through the petition I dispose of the writ petition by directing the respondents nos. 1 and 2 to act in terms of the rules applicable to the school. Let a fresh Managing Committee be constituted strictly in accordance with the said rules and it is further directed that after the school authorities submit the requisite papers the District Inspector of Schools and the State authorities shall discharge their respective responsibilities in accordance with law. The school is further directed to place fresh nomination before the appropriate authority.

8. With the directions as given above the writ petition is disposed of.

9. There shall, however, be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on priority basis upon compliance of all requisite formalities.