

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 878 OF 2025

**THE MANAGING COMMITTEE, CONTAI
RAHAMANIA HIGH MADRASAH & ANR.**

... PETITIONERS

VERSUS

THE STATE OF WEST BENGAL & ORS.

...RESPONDENTS

ORDER

1. The high prerogative writ jurisdiction of this Court under Article 32 of the Constitution of India is invoked by the Managing Committee of Contai Rahamania High Madrasah and Sk. Mahammad Abdur Rahaman (locus of whom to join as co-petitioner is not mentioned in the petition) claiming the following relief:

“(a) to reconsider the judgment dated 06.01.2020 passed by this Hon’ble Court in Civil Appeal No. 5808 of 2017 reported in (2020) 6 SCC 689 which hits the Article 30 of Constitution of India and overrules the Constitutional Bench judgment of this Hon’ble Court reported in (1974) 1 SCC 717, (2002) 8 SCC 481 and (2020) 13 SCC 411 in CA No. 2858 of 2007;

(b) to place the present writ petition before the Chief Justice of India to constitute a Constitutional Bench to reconsider the correctness of law laid down in judgment dated 06.01.2020 passed by this Hon’ble Court in Civil Appeal No. 5808 of 2017 reported in (2020) 6 SCC 689;”

2. Inspiration appears to have been drawn by the petitioners from the recent judgment and order of this Court dated 25th August, 2025 in Writ Petition (Crl.) No. 371 of 2023 (**Vasanta Sampat Dupare v. Union of India & ors.**¹) for approaching this Court with this misconceived writ petition.

3. The said decision in **Vasanta Sampat Dupare** (supra) leaves no manner of doubt that this Court entertained the writ petition under Article 32 of the Constitution on the ground of the same being a case of capital punishment and review/reconsideration of the earlier order upholding the conviction and death sentence had not been prayed; instead, what was assailed and prayed is the continuing validity of the sentence of death and reconsideration in the light of legislative and judicial developments, particularly with reference to the guidelines laid down in **Manoj v. State of Madhya Pradesh**².

4. **Vasanta Sampat Dupare** (supra) would not apply to a case of the present nature where this Court, in **Sk. Mohd. Rafique v. Managing Committee, Contai High Madrasah**³, upon threadbare consideration of the rival contentions, declared the West Bengal Madrasah Service Commission Act, 2008 to be constitutionally valid. Plea of the petitioners that the decision in **Sk. Mohd. Rafique** (supra) offends Article 30 rights is wholly untenable and barred in view of the Constitution Bench decision of this Court in **Naresh Shridhar Mirajkar v. State of Maharashtra &**

¹ 2025 SCC OnLine SC 1823

² (2023) 2 SCC 353

³ (2020) 6 SCC 689

Anr.⁴ where it has authoritatively been held by a nine-Judge Constitution Bench that a judicial decision does not offend any Fundamental Right. In view of such binding decision, this writ petition is clearly not maintainable.

5. The writ petition, being an abuse of the process of this Court, stands dismissed with costs of Rs.1,00,000/- (Rupees one lakh) only, to be paid to any society/organization taking care of children afflicted by cancer. Such society/organization may be identified by the Secretary General of this Court.

6. Costs be deposited in the Registry within a month from date, whereupon the Secretary General shall comply with the above direction.

.....J.
(DIPANKAR DATTA)

.....J.
(AUGUSTINE GEORGE MASIH)

**New Delhi;
September 15, 2025.**

ITEM NO.47

COURT NO.9

SECTION X

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 878/2025

**THE MANAGING COMMITTEE, CONTAI RAHAMANIA
HIGH MADRASAH & ANR.**

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

FOR ADMISSION

Date : 15-09-2025 This petition was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

**For Petitioner(s) :Mr. Sudhanshu S Choudhari, Sr. Adv.
Mr. Abu Sohel, Adv.
Mr. Rajeev Kumar Gupta, Adv.
Ms. Ritu Reniwal, AOR**

For Respondent(s) :

**UPON hearing the counsel the Court made the following
O R D E R**

The writ petition stands dismissed in terms of the signed order placed on the file.

**(JATINDER KAUR)
P.S. to REGISTRAR**

**(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)**