

Court No. - 10

Case :- WRIT - C No. - 30926 of 2023

Petitioner :- C/M Madarsa Ghausiya Islamiya And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mohammad Ali Ausaf

Counsel for Respondent :- C.S.C.,Pranav Mishra

Hon'ble Kshitij Shailendra,J.

1. Heard Shri M.A. Ausaf, learned counsel for the petitioners, learned Standing Counsel for the respondent nos.1 and 3, Ms. Shivangi Nanda, learned counsel holding brief of Shri Pranav Mishra, learned counsel for the respondent no.2 and perused the record.

2. It is contended that as per provisions contained under the Uttar Pradesh Non-Governmental Arabic and Persian Madarsa Recognition, Administration and Services Regulation, 2016 read with Section 22 of U.P. Board of Madarsa Education Act, 2004 as well as other Regulations, the respondent no.2-Board is under obligation to approve the Scheme of Administration of the petitioners' Madarsa, however, despite the fact that requisite papers have been submitted by the petitioners before the Board on 09.05.2023, till today, no decision has been taken by the Board.

3. Ms. Shivangi Nanda, learned counsel for the respondent no.2 submits that the Board has to take decision in accordance with law after examining the merits of the claim of the petitioner.

4. Considering the facts and circumstances of the case and also a communication issued by the Registrar of the Madarsa Board on 09.05.2023 itself, the writ petition is **disposed off** directing the respondent no.2-U.P. Board of Madarsa Education, Jawahar Bhawan, Lucknow through its Registrar/Inspector to consider the petitioners' documents and Scheme of Administration and take a decision thereon as per the aforesaid provisions of law after providing full opportunity of hearing to the petitioners and summoning the requisite report from the District Minority Welfare Officer, Mirzapur.

5. It is made clear that the Court has not examined merits of the claim of the petitioners and it shall be considered by the

respondent no.2.

6. The decision shall be taken **on or before 31.01.2024** provided a certified copy of this order is served before the respondent no.2 within **ten days from today**.

Order Date :- 27.10.2023

Jyotsana