

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8461 of 2014

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Ali Ahmad Khan High School, Siwan through its Secretary, Zeeshan Ahmad Khan,
S/o- Choudhary Abul Wara Khan, resident of village- Rampur, P.O.- Rampur Ke
Tola, P.S.- M.N. Nagar, Hasanpura, District Siwan at present residing at Mohalla-
Naugarwa, P.O.- Mahendru, P.S.- Sultanganj, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Director, Secondary Education Department, Govt. of Bihar, Patna.
3. The Collector, Siwan.
4. The Sub-Divisional Officer, Siwan.
5. The District Programme Officer (Estt.), Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shri Prakash Srivastava, Advocate
For the State : Mr. A. Ujjwal, SC25

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-10-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

Writ application has been filed by the petitioner for a
direction upon the State authorities to declare the school as a minority
institution.

A counter affidavit has been filed on behalf of the State
authorities.

The school in question was given permission for
establishment as a proprietary school. There has been internal dispute
between the brothers which led to closure of the school and till date
that dispute has not been resolved. Show-causes were issued to the
authorities, local inspection was held and it was found that the

institution in question is closed since November, 2009.

An effort was also made by the so called Principal of the school to allow them deposit of form and fees with the Examination Board which too was dismissed by the High Court.

The school in question is non-functional unit and the management is at loggers head within itself to control the management or the institution. Looking at the nature of the permission so given earlier, a divided organization is not entitled for any direction for any kind of recognition at this juncture.

Writ is dismissed. The parties are free to resolve their dispute first by moving civil court of competent jurisdiction.

(Ajay Kumar Tripathi, J.)

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