

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16461 of 2010

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Md. Aftab Alam, Son of Late Ibrahim Mian, resident of Village- Bishambharpur,
P.S.- Bettiah Muffasil, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar, through Special Secretary, Education, Patna.
2. The Chairman, Bihar State Madarsa Education Board, Patna
3. The Secretary, Bihar State Madarsa Education Board, Patna
4. The Secretary, Madarsa, Islahul Musalmin Bishambharpur, P.S.- Bettiah Muffasil, District- West Champaran
5. The Sub-Divisional Education Officer, Bettiah
6. The District Education Officer, Bettiah

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Sr. Advocate

For the Respondent/s : Mr. (SC9)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 19-01-2015

Heard learned counsel for the petitioner and the respondents.

2. The petitioner prays for setting aside the order dated 12.08.2010, passed by the Chairman of Bihar State Madarsa Education Board, Patna (hereinafter referred to as 'the Board').

3. The petitioner claims that in the General Meeting of Managing Committee of Madarsa Islahul Musalmin at Bishambharpur, District West Champaran held on 22.03.2009, he was elected as Secretary of the Managing Committee. However, the Managing Committee, particularly, the President refused to recognize the petitioner as Secretary of the Managing Committee.

4. Being aggrieved, the petitioner filed C.W.J.C. No. 17336 of 2009. The writ application was disposed of on 10.02.2010 with liberty to the Chairman to consider the matter afresh.

5. The Chairman of the Board, as such heard the matter again and vide order dated 12.08.2010 directed that the General Body Meeting of Madarsa be requisitioned for fresh election of the office bearers of the Madarsa in question. The Chairman of the Board, in his order observed that Section 7 (2) (n) of the Act, 1981 has been declared ultra virus under Article 30 of the Constitution of India vide judgment dated 12.09.2008, passed by the Division Bench of this Court. The order was passed on 12.08.2010 and we are now in the beginning of the year 2015.

6. In such circumstances, the writ application is disposed of with liberty to the petitioner to challenge the Resolution of the General Body Meeting of the Madarasa, if so advised.

7. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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