

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2824 of 2014

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Md. Afak Choudhary Son of Late Jainul Abedin, Resident of Village - Jhwarpur,
P.O. Mukuriya, P.S. Azam Nagar, Distt. - Katihar

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director, Education Department Bihar, Patna
3. The District Magistrate, Katihar
4. The District Education Officer, Katihar
5. The District Programme Officer (Establishment), Katihar
6. The Block Education Officer, Azam Nagar, Distt. Katihar
7. The Bihar State Madarsa Education Board, Patna through its Secretary

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Respondent/s : Mr. Madhuresh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 14-09-2015

Heard learned counsel for the parties.

Petitioner claims that the Maulvi of the Institution has created another fake Madarsa with identical name and obtained some kind of recognition from the Madarsa Board, which is evident from some of the materials brought on record.

Such dispute cannot be adjudicated decisively unless a suit for appropriate declaration is filed may be with an injunction petition for restraint till true identity of the contesting parties is established. This can only be done after oral and documentary evidence is led, their authenticity tested and then a declaration made.

In view of the above nature of dispute, the petitioner is free to move Civil Court of competent jurisdiction and seek appropriate declaration if not an ad interim injunction, in the meantime on the dispute.

The writ application stands disposed of with the above observation.

(Ajay Kumar Tripathi, J)

Vats/-

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