

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7870 of 2014

Dr. Anjum Hasmi, Son of Dr Latefur Rahman, Resident of Village and Post - Pachahi, P.S. - Madhepur, District - Madhubani.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Bihar.
2. The Principal Secretary, Human Resources Department, Bihar, Patna.
3. The Joint Secretary, Human Resources Development Department, Bihar, Patna.
4. The Special Director, Secondary Education, Human Resources Development Department, Bihar, Patna.
5. The Bihar State Madarsa Education Board, through its Secretary, 5 Vidyapati Marg, Patna.
6. Mumtaz Alam, Son of Late Abdul Hafeez, The Chairman , Bihar State Madarsa Education Board, 5 Vidyapati Marg, Patna.
7. The Secretary, Bihar State Madarsa Education Board, 5 Vidyapati Marg, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : M/s. Siya Ram Shahi, Janki Nandan Prasad

For the State : Mr. Anjani Kumar, AAG 6, Sunil Kumar, AC to AAG 6

For Madarsa Board : Mr. Rashid Alam

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-02-2015

This writ petition, in the nature of public interest has been filed mainly challenging the acts of omissions and commission on the part of the 6th respondent. The petitioner states that the 6th respondent committed several irregularities in his capacity as Chairman, Bihar State Madarsa Education Board, be in the context of holding examinations or in financial matters. The relief is claimed in the form of direction to the respondent nos. 1 to 5, to cause enquiry into the manner in which the examinations were conducted for the past two years, to conduct enquiry into financial irregularities

committed by the 6th respondent; and to remove him from the post.

Respondent nos. 5 and 7 have filed counter affidavit denying the allegations. It is stated that the writ petition filed in the nature of public interest, with baseless and malafide allegations, and with a view to settle personal scores.

Heard Sri Siya Ram Shahi, learned counsel for the petitioner, and Sri Anjani Kumar, learned AAG 6 for the State and Sri Rashid Alam, learned counsel representing the Madarsa Board.

From the tone and tenor of the writ petition, we find that the nature of allegations range from the one of absence of qualification of the 6th respondent, for being appointed as the Chairman of the Madarsa Board, to the one of conducting the examinations. It is also stated that the marks were awarded without evaluation of the answer-sheets. It is just impermissible for this Court to undertake enquiry into such allegations in a public interest litigation.

The writ petition is accordingly dismissed.

There shall be no order as to costs.

Interlocutory Applications, if any, shall stand disposed of.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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