

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3430 of 2016

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The Managing Committee of Madarsa Darul Takmil at Mohalla Chandwara (Qurban Road) P.S. and Distt Muzaffarpur, through its Secretary Dr. Raza Ahmad Nasim.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Joint Director, Secondary Education, Human Resources Development Department, Bihar, Patna
2. Dr. Vijay Kumar Pandey, Joint Director, Secondary Education, Bihar, Patna
3. The District Education Officer, Muzaffarpur
4. The Bihar State Madarsa Education, Board 5, Vidyapatti Marg, Patna 1
5. The Chairman Bihar State Madarsa Education, Board 5, Vidyapatti Marg, Patna-1
6. The Secretary Bihar State Madarsa Education, Board 5, Vidyapatti Marg, Patna-1
7. Junaid Anwar Son of Late Mustaque Ahmad resident of village Sirsyed Colony Shahdullapur, P.S. Yogehiapur, District – Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Obaidur Rahman, Advocate
For the State	:	Ms. Shama Sinha, AC to AAG9
For Madarsa Board	:	Mr. Rashid Alam, Advocate
For Res. No.7	:	Md. Anisur Rahman, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 18-11-2016

After having heard counsel for the petitioner, counsel for the private respondent and the Madarsa Board, the Court is *prima facie* satisfied after perusing Annexure-1, dated 19.03.2016 annexed with I.A. No.3243 of 2016, which is the order passed by the Joint Director, Secondary Education, Government of Bihar that in the given facts and circumstances, which emerge from reading of the order, the order, as an ad-interim measure, had directed the private respondent to be In-charge keeping in mind the interest of smooth running of the Madarsa. This privilege or liberty does not create any kind of right or advantage in favour

of the private respondent. The petitioner and the private respondent still have to establish their credibility before the people who have to finally take a call and decision as to which is the correct Managing Committee, which should be at the helm of affairs of the Madarsa in question.

2. The order impugned had fixed three months time to carry out the directive. That three months is long over. Obviously people at the helm of affairs would like to drag on the issue as long as they can. This is an unacceptable position even for this Court.

3. In view of the above, the District Education Officer, Muzaffarpur will appoint a person to look after the day to day affair of the Madarsa in question. Neither the private respondent nor the petitioner will have a role to play in the same.

4. The verification as well as the actual state of affairs on the ground must be verified and a final decision with regard to the status as to who shall run the affairs of the Madarsa will be taken by the Madarsa Board. All these exercise must be done within a period of 12 weeks from the date of production of a copy of this order.

5. Writ stands disposed of with above direction.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.11.2016
Transmission Date	