

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2284 of 2016

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1. The Managing Committee, Madarsa Miftahul Uloom, (Madarsa No. 185), At and P.O. Amdanda, Via Ekchari, District- Bhagalpur
 2. Md. Younus son of Late Md. Maqbool, Secretary, Madarsa Miftahul Uloom, Madarsa No. 185, P.O. Amdanda, Via- Ekchari, District- Bhagalpur

.... Petitioners

Versus

1. The State of Bihar
2. The Joint Director, Secondary Education, Department of Education, Govt. of Bihar, Patna
3. The Bihar State Madarsa Education Board, Patna through its Chairman, 5 Vidyapati Marg, Patna
4. The Chairman, Bihar State Madarsa Education Board, Patna
5. The Secretary, Bihar State Madarsa Education Board, Patna
6. The District Education Officer, Bhagalpur
7. Janab Umar Farooque son of Md. Abdur Rasheed, President
8. Janab Md. Qayamuddin son of Bahauddin @ Bihari, Secretary
9. Prof. Md. Abbas Ahmad, son of Bahauddin @ Bihari, Member
10. Janab Md. Musa son of Maneeruddin, Member
11. Janab Md. Ayub son of Late Md. Sameeruddin, Member
12. Janab Aslam @ Md. Alam son of Md. Muslim, Member
13. Janab Md. Ishaque (Headmaulvi), Member
14. Janab Md. Abdul Majid son of Late Sk. Ramzani, Member, Sl.Nos. 7 President, Sl. No. 8 Secretary, Sl. No. 9 to 12 Member, Sl. No. 13 Head Maulvi and Sl. No. 14 Teacher Representative of the so called new managing committee of Madarsa Miftahululoom, Madarsa No. 185, Village and P.O. Amdanda, Via- Ekchari, District- Bhagalpur

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Anamul Haque, Advocate
For the State	:	Mr. Kinkar Kumar, S.C.27
For Madarsa Board	:	Md. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-04-2016

The legal question sought to be raised by the petitioners with regard to Annexure-2 which is the order of approval to the Managing Committee of the Madarsa Board and is dated 02.09.2013

was surely worthy of consideration, keeping in view the settled position of law but the infirmity and the illegality with regard to Annexure-2 cannot be challenged now since that decision of the Chairman got rectified by the full board on 27.03.2014.

The ground urged by the petitioners with regard to Annexure-2 cannot be applied to the decision rendered by the appellate authority, i.e., the Joint Director, Secondary Education, Government of Bihar.

The answer for the petitioners would lie in galvanizing in the majority of the local people who are free to take a decision with regard to the said Madarsa. The impugned order contained in Annexure-1 does not merit consideration or interference the present form and content.

Writ is dismissed. Petitioners have other legal remedy against the decision of the full board and they are free to exhaust it.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	02.05.2016
Transmission Date	