

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2613 of 2016

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Madarsa Shamsul Uloom, Barhara, Post Office - Barhara, Via - Nirmali, Police Station - Marauna, District - Supaul, through its Secretary, Abdul Mannan, son of Late Ahmad Hussain, resident of village + Post Office - Barhara, Via - Nirmali, Police Station - Marauna, District - Supaul.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Joint Director (Secondary Education), Bihar, Patna.
3. The Chairman, Bihar State Madarsa Education Board, Patna.
4. The Bihar State Madarsa Education Board through its Secretary, Patna.
5. Madarsa Sudurul Islam Barhara, Post Office - Khas, via - Nirmali, Police Station - Marauna, District - Supaul through its Headmaster Md. Shamshuddin, resident of Village - Post Office - Pakariya, Police Station - Phulparas, District- Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Md. Shamimul Hoda, Advocate
For the State : Mr. Gyan Prakash Ojha, G.P.22
For Madarsa Board : Mr. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-04-2016

The dispute raised by the petitioner with regard to the identity and status of the Madarsa in question cannot be decided by this Court under Article 226 of the Constitution of India. Irrespective of the basic finding, which has been made by the Joint Director, Secondary Education, Government of Bihar, the petitioner has liberty to file a suit and get an appropriate declaration in this regard since evidence will be required to be taken both oral and documentary.

Writ is dismissed with liberty as above.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
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