

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8433 of 2016**

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Md. Hafizuddin, Son of late Sahabuddin, Resident of Village Koimari, P.S. Koimari, P.O. Pothia, District Kishanganj.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Joint Director (Secondary Education), Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Purnia Division, Purnia.
4. The District Education Officer, Kishanganj.
5. The Bihar State Madarsa Education Board, Vidyapati, Marg, Patna through its Chairman.
6. The Chairman, Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
7. The Secretary, Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
8. The Managing Committee, Madarsa Islamia Darul Hoda, Koimari, Kishanganj through its Secretary.

.... .... Respondents

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**Appearance :**

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|--------------------|---|---------------------------------------------------------------------------|
| For the Petitioner | : | Mr. Tej Bahadur Singh, Sr. Advocate<br>Smt. Shashi Priya Pathak, Advocate |
| For the State      | : | Mr. Ramadhar Singh, G.P.25                                                |
| For Madarsa Board  | : | Mr. Rashid Alam, Advocate                                                 |

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**ORAL JUDGMENT**  
**Date: 19-08-2016**

Since there is no fixed tenure laid down under the Act for the Managing Committee of any Madarsa, the grievance of the petitioner that the same Committee and people are continuing infinitum has no relevance or meaning to the cause raised in the present writ application.

2. So long as the people decide to continue a Managing Committee in Aam Sabha or till a new Aam Sabha is convened, unfortunately such committees have to continue.

3. The submission of learned senior counsel that certain changes and amendment are required to be brought about in the Madarsa Act is a welcome suggestion and worthy of consideration but then the legislation has to be done by the legislators and not by the Court.

4. In addition to that the Court has also been informed that after the coming of the Act, no rules have been formulated till date in so many decades. Such a position is also not an acceptable position and does not reflect well in the manner in which such institutions have been allowed to be run with too many leeways and loopholes remaining in the actual working of the provisions of the Madarsa Act.

5. However, all these things are required to be looked into by the appropriate authorities at the highest in the State. The Court cannot step in into areas of legislation.

6. Writ is otherwise dismissed.

**(Ajay Kumar Tripathi, J.)**

S.Kumar/-

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