

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7986 of 2014

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Md. Imran Son of Md. Idrish, Resident of Village- Rajaura, Police Station- Raiyan,
District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Darbhanga.
2. The Dy. Superintendent of Police (Home) Darbhanga.
3. The District Education Officer, Darbhanga.
4. The Officer in-charge Raiyam, P.S.- Raiyan, District- Darbhanga.
5. The Panchayat Secretary, Village Panchayat Nayagaon (East) Darbhanga.
6. The Chairman / Secretary Bihar State Madarsa Board, Patna.
7. The Secretary Madarsa Sadique Uloom, at and P.O.- Sadiqpur via Rayan
Factory, District- Darbhanga.
8. Reyaz A Sadiq Son of Ejaj-A-Sadiue at and P.O.- Sadiqpur, District-
Darbhanga.
9. Md. Fahim Son of Abdul Asim, Resident of Village Babu Salimpur, P.S.-
Raiyan, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratnakar Jha, Advocate
For the Respondent No. 8	:	Mr. Obaidur Rahman, Advocate
For the Madarsa Board	:	Mr. M. Rashid Alam, Advocate
For the State	:	Mr. R. B. Pd. Yadav, A.A.g. 11 Mr. Dr. Sanjay Kumar Singh, A.C. to A.A.G. 11

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-12-2016

Heard learned counsel for the parties.

The prayer in the present writ application is to
command the respondent no. 6, to withdraw the recognition of
Madrasa Sadique Uloom which is situated in Phulkani Panchayat of
Keoti Block in the District of Darbhanga.

Learned counsel for the petitioner submitted that the
Madrasa has wrongly been shown to be situated in village Salimpur



which does not exist and there have been grave financial irregularities. It was further submitted that even as per the relevant provisions of the Bihar State Madrasa Education Board Act, 1981 (hereinafter referred to as the 'Act'), the location of the Madrasa in question cannot be at the place where it is located, which requires appropriate corrective action. Learned counsel submitted that the matter has to be looked into with regard to the mal functioning of the Madrasa especially, with regard to dealing with funds given to it as grant by the State Government as it is from public exchequer.

Upon going through the pleadings, this Court finds that earlier also a writ petition being C.W.J.C. No. 4994 of 2014, for almost the same relief, with regard to the Madrasa in question was filed and a co-ordinate Bench has dismissed the writ application on 18.02.2016, with an observation that the matter is required to be gone into in a regular suit. The petitioner herein took a chance by filing a Public Interest Litigation i.e., the present case, which was directed to be listed not as a Public Interest Litigation and, thus, has come before this Court.

On a direct query of the Court to learned counsel for the petitioner as to whether the Madrasa did exist, the answer was yes. However, it was said that it was not running in accordance with the requirement of law and thus, needed to be shut down.



Having considered the matter in its entirety, the Court finds the present writ application to be frivolous and accentuated by *mala fide*. As there is already an observation given in the other case by a co-ordinate Bench, for moving in a suit with regard to similar grievance, the same principle applies in the present case also. The petitioner not being resident of the village where the Madrasa is situated can have no genuine grievance with regard to the functioning of the Madrasa in question and it is for the authorities to take appropriate action. It would be worthwhile to note that from 2004 to 2014, there was a different Managing Committee and only in the year 2014, the present Managing Committee of the Madrasa was constituted, which has led to filing of various cases. As long as there is a running Madrasa, imparting teaching, its functioning can be regulated by the Authorities, in accordance with law, but there cannot be any direction to close down the Madrasa.

The Court, thus, has no hesitation to hold that the present writ application does not deserve to be entertained, either on facts or in law, and, accordingly, the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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