

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19307 of 2015

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Md. Rafique Alam son of Late Nayeemuddin, resident of village- Khajurbari, P.S.- Terhagachhi, District- Kishanganj Secretary of the Managing Committee of Madarsa Rafiqul Uloom at Khajurabari, District- Kishanganj.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Bihar, Patna
3. The Special Director, Secondary Education, Human Resources Development Department, Bihar, Patna
4. The District Education Officer, Kishanganj
5. The District Programme Officer (Establishment), Kishanganj
6. The Bihar State Madarsa Education Board through it's Chairman, 5 Vidyapati Marg, Patna
7. The Chairman, Bihar State Madarsa Education Board, 5 Vidyapati Marg, Patna
8. The Secretary, Bihar State Madarsa Education Board, 5 Vidyapati Marg, Patna
9. Md. Ahshan Ali son of Late Nayeemuddin, resident of village- Khajurabari, P.O. Gamarchia, P.S. Terhagachhi, District- Kishanganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Obaidur Rahman, Advocate
For the State : Mr. Raju Giri, G.P.30
For Madarsa Board : Md. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-04-2016

If the stand of the petitioner stated in paragraph-21 on the basis of the cause of grievance in the present writ application is taken into consideration then obviously such issues cannot be decided in a summary proceeding but a proper adjudication would be required to be made after taking oral and documentary evidence as to the true identity of the persons who are real or who are fake with regard to the Madarsa in question.

Keeping the above in mind, the Court grants indulgence

to the petitioner to file a suit and get an appropriate declaration in this regard. This Court or the Madarsa Board cannot decide such issue in the given circumstances.

Writ application stands disposed of.

(Ajay Kumar Tripathi, J.)

Sanjay/-

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