

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13334 of 2013

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Abdul Malick, Son of Late Md. Usuf (The Founder), Resident of Village Kulharia Tola Dhulta, P.O. Kulharia, District Madhubani at present Head Modarris of Madarsa Islahul Momenin at Village Kulharia Tola Dhulta, P.O. Kulharia via Babu Barhi District Madhubani Affiliated by the Bihar Government.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Special Director, Human Resources Development Department, Government of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Babu Barhi, Madhubani.
6. The Bihar State Madarsa Education Board, through its Secretary, Bihar, Patna.
7. The Chairman, Bihar State Madarsa Education Board, Patna.
8. The Secretary, Bihar State Madarsa Education Board, Patna.
9. Md. Noor Alam, the Finance Officer, Bihar State Madarsa Education Board, 5 Vidyapati Marg, Bihar, Patna.
10. The Managing Committee, Madarsa Islahul Momenine Kulharia Dhalta Tola, Madhubani through its Secretary Md. Haroon Ansari.
11. The Ex-Secretary namely Md. Wasil Hussain, Madarsa Islahul Momenin, Kulharia Dhalta Tola, Madhubani.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Azhar Kareem, Advocate
For the State	:	Mr. D.K. Prasad, G.P.7
For Madarsa Board	:	Mr. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 12-07-2016

Heard counsel for the petitioner, counsel for the Madarsa Board, the private respondent no.11 as well as the State.

2. The petitioner who claims himself to be the Head Maulvi of the Madarsa is seeking enforcement of Annexure-3 as well as quashing of the second report submitted by the District Education Officer, Madhubani on the so called instance of the Finance Officer of

the Madarsa Board as is the stand of the counsel.

3. From the reading of Annexure-B, which is annexed with the counter affidavit of respondent nos.7 to 9, i.e., the authorities of the Madarsa Board, the Court is not impressed by the submission after perusing Annexure-B that it is a communication made by the Finance Officer of the Madarsa Board. The communication seems to be on behalf of the Madarsa Board and there is a basis as to the reason for seeking further clarification from the District Education Officer, Madhubani. The reason indicated in the said communication is that there are two sets of lists indicating the names of teachers with regard to the so called same said institution, one at the instance of the Secretary and the other by the Head Maulvi.

4. The whole fight in the present writ application is to gain some kind of recognition in favour of the petitioner as the Head Maulvi of the institution in question. This Court has no mechanism to decide the status of a Head Maulvi because it is not a question of recognition of the Madarsa as such, but an internal fight going on between the management and the petitioner for getting benefit. The petitioner can take his legal battle to any other forum. The Court will not interfere with the second report of the District Education Officer, Madhubani which has been furnished in terms of Annexure-B and has been annexed as Annexure-C to the counter affidavit of the Board.

5. Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.07.2016
Transmission Date	