

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7706 of 2016

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Managing Committee Masjid Islamia Sargatia, through its Mutawalli, Ilmuddin Ansari son of Late Sahebjan Ansari Resident of Village - Sargatia, P.S. Gopalpur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Chairman, Bihar State Madarsa Education Board, Patna.
2. The Special Director, Secondary Education, Bihar, Patna.
3. The Chairman Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
4. The Secretary, Bihar State Madarsa Education Board, Vidyapati Marg, Bihar, Patna.
5. The District Magistrate, District - West Champaran, Bettiah.
6. The District Education Officer, West Champaran, Bettiah.
7. Madarsa Khairul Uloom, Sargatia, through its Secretary, Kalam Ansari s/o - Bulai Ansari Resident of Village - Sargatia, P.S. Gopalpur, District - West Champaran.
8. Islam Ansari son of Late Bulai Ansari Resident of Village - Sargatia, P.S. Gopalpur, District - West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Manindra Kishore Singh- SC6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-12-2016

Heard learned counsels for the parties.

Writ application was filed by the petitioner for a direction upon the Madarsa Board to cancel the approval of the Madarsa Khairul Uloom, Sargatia, Madarsa No. 2407, since the said Madarsa is getting grant-in-aid by way of financial assistance due to the wrong affiliation and



recommendation of the Madarsa Board.

The primary reason for such attack is that the Respondent No. 7 has played a fraud with the enquiring authority, got a recommendation made and got approval by getting it included in the recommended category of Madarsa by the State and deriving financial benefit without having requisite infrastructure, which is required for every and any Madarsa.

Counsel for the petitioner submits that the relevant notification, which has been issued by the State, is dated 31.08.2010 and 29.11.1980.

Respondent No. 7 has played fraud, which will be evident from the fact that his own brother, Respondent No. 8, himself has filed an affidavit, making such an allegation that as to how 3 kattha and 18 Dhur land is included in the share of his brother by manipulating the record as well as the record of the enquiry officer from where it is evident that some portions of land of Masjid has also been included. Even God has not been spared by Respondent No. 7.

Since such kind of fraud vitiates everything. Therefore, prima facie the Court is satisfied that the recommendation and the recognition, which has been made by the Madarsa Board in favour of the Respondent No. 7, is required to be quashed. The State of Bihar will remove the



Madarsa of Respondent No. 7 from the list and stop all financial support forthwith.

The writ application is allowed, especially since Respondent No. 7, despite filing the counter affidavit, has failed to rebut the allegations made against him in this regard, which amounts to acceptance.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	20.12.2016
Transmission Date	

