

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9571 of 2016

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Madrasa Islamiya Gaura, represented through its Managing Committee through its Secretary Abdur Rauf S/o Md. Nasiruddin, resident of Village Gaura, P.O. Sumha Deorhi, P.S. Kusheshwar Asthan, District-Darbhanga

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Joint Secretary, Department of Education, Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga District - Darbhanga.
4. The District Education Officer, Darbhanga District- Darbhanga. null null
5. The Circle Officer, Block Kusheshwar Asthan District- Darbhanga
6. Bihar State Madarsa Education Board through its Secretary, 5, Vidyapati Marg, P. S. - Kotwali, District- Patna.
7. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati Marg, P. S. - Kotwali, District- Patna.
8. The Secretary, Bihar State Madarsa Education Board, 5, Vidyapati Marg, P. S. - Kotwali, District- Patna.
9. Abdul Gafoor, Son of late Md. Anshraf Ali, Secretary of Managing Committee of Madrasa Islamia Gora Navtolia, P. S. Kusheshwar Asthan, District-Darbhanga

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Durga Nand Jha, Advocate
For the State	:	Mr. Utsav Kumar, AC to GA4
For Res. No.9	:	Mr. Anisur Rahman, Advocate
For Madarsa Board	:	Mr. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 08-12-2016

When there are two claimants and two identities seeking declaration as to who is real and who is fake then the summary proceeding under Article 226 is not the answer for such disputes. Under one Registration No.2242 dated 30.03.1987, two people are claiming themselves to be the real Madarsa who have been included in the list of recognized Madarsa for financial aid from the State of



Bihar.

2. The private respondent's Madarsa has already been included in the list after due verification and reports, which are being seriously disputed and contested by the petitioner.

3. He has to shift his legal battle to a civil court of competent jurisdiction where the true identity and status of the petitioner can be established and a declaration can be sought. If the authorities after due verification have been able to come to a conclusion in favour of the private respondent and inclusion has already been done, the same cannot be dislodged in the present writ application.

4. In view of the above, writ application is disposed of. The Court expresses no opinion on the merit of the claim of the petitioner.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2016
Transmission Date	NA

