

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1453 of 2016

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The Managing Committee of Madarsa Wahidia Isharul Uloom at Village Bharraili, P.O. Sauria, P.S. Dandkhora, District Katihar, Madarsa No.1562/205 through its Secretary Md. Rayees, Son of Athaj Sheikh Tamizuddin.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Patna.
4. The Bihar State Madarsa Education Board through its Chairman, 5- Vidyapati Marg, Patna-800001.
5. The Chairman, Bihar State Madarsa Education Board, 5- Vidyapati Marg, Patna-800001.
6. The Secretary, Bihar State Madarsa Education Board, 5- Vidyapati Marg, Patna-800001.
7. The District Education Officer, Katihar.
8. The Managing Committee of Madarsa Wahidia Isharul Uloom, Madarsa No.1562 at Bhamraili, P.O. Sauria, Dandkhora, District Katihar through its Secretary Md. Hadis.
9. Abdus Salam, Son of Abdul Ghafoor.
10. Md. Mukhtar Alam, Son of Sk. Tasiruddin.
11. Md. Abdur Razzaque, Son of Sk. Habib.
12. Md. Manawar Hussain, Son of Md. Izrail.
13. Md. Rizwan Alam, Son of Sk. Ishaque.
14. Md. Farooque Alam, Son of Abdul Wahid.

Serial No.9 H.M. and Serial Nos.10 to 14 Assistant Teachers of Madarsa Wahidia Izharul Uloom Madarsa No.1562 at Bhamraili, P.S. Dandkhora, District Katihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shabbir Ahmad, Advocate
For the State : Mr. Prasoon Sinha, G.A.2
For Madarsa Board : Md. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-04-2016

The true identity of a Madarsa cannot be established in a summary proceeding under Article 226 of the Constitution of India. If there are two claimants with regard to the same Madarsa in question

and a set up managing committee has already given recognition to it and that Madarsa is being labeled as a fake and not the true Madarsa, such issues can only be decided in a civil suit by moving before the civil court of competent jurisdiction. Petitioner has liberty to get an appropriate declaration and then based on the same he can assert his right.

Writ application is disposed of with liberty as above.

(Ajay Kumar Tripathi, J.)

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