

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 2266 of 2016

Hazi Abul Hassan, S/o Late Nisarul Haque, resident of Village- Kamalpur, P.O- Sanskrit Nirmali, P.S. Balua Bazar, District- Supaul, presently the Secretary of the Madarsa Islamia Moniruloom Kamalpur, P.O- Sanskrit Nirmali, P.S. Balua Bazar, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Bihar Madarsa Education Board, Bihar at Patna.
3. The District Magistrate, District- Supaul.
4. The District Programme Officer, District- Supaul.
5. The District Education Officer, District- Supaul.
6. The S.H.O, Balua Bazar Police Station, District- Supaul.
7. Md. Habib S/o Dil Mohammad, The Secretary of Madarsa Islamia Moniruloom Kamalpur, P.O- Sanskrit Nirmali, P.S. Balua Bazar, District- Supaul.
8. Md. Mahboob S/o late Hazi Maufiz, the Head Maulvi of Madarsa Islamia Moniruloom Kamalpur, P.O- Sanskrit Nirmali, P.S. Balua Bazar, District- Supaul.
9. Md. Ziyaullah S/o Hazi Minatullah.
10. Hafiz Israfil S/o Hazi Kalim
11. Md. Sahmat S/o Wali Ahmad
12. Maulvi Abdul Mazid S/o Late Yasin
13. Md. Afazal S/o Late Hazi Attabul All residents of Village- Kamalpur, P.O- Sanskrit Nirmali, P.S. Balua Bazar, District- Supaul.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri
For the Respondent/s : Mr. Durgesh Nandan, A.A.G.-14
For the Madarsa Board: Mr. Md. Rashid Alam

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 19-08-2016

Heard learned counsel for the parties.

Petitioner has filed the writ application for a
direction upon the State-authorities to treat him as a

sitting Secretary of the Managing Committee of Madarsa Islamia Moniruloom, which is Madarsa No. 2156, situated at village – Kamalpur, P.O. – Sanskrit Nirmali, District - Supaul. According to the petitioner, Respondent No. 7 is the usurper of the office.

The Court has gone through the writ application and it does not find any material to show that the people of the area at any point of time had elected the petitioner as a Secretary of the managing committee.

Counsel for the petitioner submits that he had donated land for the Madarsa. Even in support thereof, he has annexed Annexure-1. Donation of land for setting up of Madarsa is one issue. The election of a person, as, either Chairman or Secretary or Member of the managing committee is altogether a different ball game.

In absence of any material or resolution, having been brought on record, coupled with the finding, emerging with regard to the private-respondent in Annexure-A of the counter affidavit of the Madarsa Board, the relief or declaration, which the petitioner is looking for, cannot be granted or extended to.

There is no material, therefore, to allow the writ application of the petitioner by giving any direction in his favour.



Writ application is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	19.08.2016
Transmission Date	