

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6199 of 2016

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Managing Committee Of Madarsa Moeenyan at Balia Buzurg, Police Station –
Balia, District – Begusarai through its Secretary Iqbal Rasool, son of Md. Shamsheer
Ali, R/o Chhoti Balia, P.S. – Balia, District – Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar,
Patna
2. The Bihar State Madarsa Education Board, Bihar, Patna
3. The Chairman, Bihar State Madarsa Education Board, Patna
4. The Secretary, Bihar State Madarsa Education Board, Patna
5. The Controller of Examination, Bihar State Madarsa Education Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan

For the Madarsa Board: Md. Rashid Alam

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-04-2016

Heard learned counsel for the parties.

Petitioner wants a mandamus upon the respondent-Bihar
State Madarsa Education Board to accept form and fee for the
Maulvi Examination to be conducted for the year 2016, since
respondents have refused to accept the form and fee.

Counsel for the Madarsa Board on the basis of the
available documents and materials has categorically stated that the
Madarsa in question does not have any recognition, not even of the
provisional kind. Therefore, they are not legally bound to accept any
form and fee and permit the students of the said Madarsa to
participate in the Maulvi Examination.

Since the petitioner has decided to take admission of the

students on his own will, there is no obligation upon the Madarsa Board to conduct Maulvi Examination. This Court will not allow the students as an object of emotional blackmail of any kind of order for participation.

Recognition has to be there first before any institution can be permitted to deposit form and fee and allow their students to participate in the examination.

In view of the aforesaid facts and circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	NAFR
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