

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1778 of 2016

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The Managing Committee of the Madrasa Islahia Bilaitibari Kharga, P.S. & District- Kishanganj through its Secretary Izhar Ali son of Haji Anis Mohammad Resident of Mohalla Bilaitibari, Khagra, P.S. & District- Kishanganj.

.... Petitioner

Versus

1. The State of Bihar
2. The Special Director, Secondary Education, Govt. of Bihar, Patna
3. The Joint Director, Secondary Education, Govt. of Bihar, Patna
4. The District Education Officer District- Kishanganj
5. The District Programme Officer (Establishment), Kishanganj, District- Kishanganj
6. The Bihar State Madarsa Education Board, Patna through its Secretary
7. The Chairman, Bihar State Madarsa Education Board, Patna
8. The Secretary, Bihar State Madarsa Education Board, Patna Nos. 6 to 8 are 5 Vidyapati Marg, P.S.- Kotwali, District- Patna
9. The outgoing Managing Committee of the Madrasa Islahia Bilaitibari Khagra, P.S. & District- Kishanganj through its Secretary Mofizuddin, son of Late Haji Anis Mohammad, resident of Mohalla- Khagra Bilaitibari P.S. & District- Kishanganj
10. Shafique Alam son of Late Md. Zakaria, Resident of village Chapur, P.S. Chakalia, District- Uttar Dinajpur (West Bangal)

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Raj Nandan Prasad, Advocate
For the State	:	Mr. Sanjay Pandey, G.P.21
For Madarsa Board	:	Mr. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 22-04-2016

Heard counsel for the petitioner, Madarsa Board and the State.

Court has gone through the impugned order contained in Annexure-11, dated 16.12.2015, passed by the Joint Director, Secondary Education, Government of Bihar.

The Court is in agreement with the findings so recorded because the conclusion reached by the Joint Director is based on the

proposition of law decided by the High Court earlier that the Chairman of Madarsa Board does not have any power to grant approval or recognition to a Managing Committee. The power vests in the "Board" since an approval was given by the Chairman of the Madarsa Board and it was not even approved by the Board, therefore, rightly such a recognition to the Managing Committee had to be annulled and the Joint Director had rightly given a direction upon the District Education Officer, Kishanganj to hold an enquiry and forward the report for a fresh decision of the Board.

Let the matter be expedited. The District Education Officer, Kishanganj may hold an enquiry and forward his report if not already done. It is made clear that the present Managing Committee will not take any major decision and create any obligation upon the Madarsa Board as an interregnum till a new Committee is put in place by approval of the Board.

Writ application is otherwise dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2016
Transmission Date	