

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13688 of 2015

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1. Abdul Wahab S/o Late Safiruddin, Resident of Village - Mirzapur Deyari, P.S. - Bousi, District - Araria.
 2. Ahmad Hussain, S/o Nabiruddin, Resident of Village - Mirzapur Deyari, P.S. - Bousi, District - Araria.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director (Secondary Education) Department of Education, Govt. of Bihar, Patna.
4. The Joint Secretary, Education Department of Bihar, Patna.
5. The District Education Officer, Araria, District - Araria.
6. The District Magistrate, Araria.
7. The Block Education Officer, Raniganj, Block - District - Araria.
8. The Circle Officer, Raniganj Circle, District - Araria.
9. The Bihar State Madarsa Education Board through its Chairman.
10. The Chairman, Bihar State Madarsa Education Board, Patna.
11. The Secretary, Bihar State Madarsa Education, Board, Patna.
12. Md. Unus, Bhairman, Madarsa Millat- E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.
13. Md. Anis Uddin, Secretary, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.
14. Md. Arif, Member, Madarsa Millat - E - Islamiya, Diyari - Mirzapur, Prakhand - Raniganj, District - Araria.
15. Kalim Uddin, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.
16. Rais Uddin, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.
17. Md. Abbas, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.
18. Vali Mohammad, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.
19. Naushad Alam, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.
20. Ejaj Ahmad, Pradhan Maulvi, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.
21. Tamiz Uddin, Representative Teacher, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhand - Raniganj, District - Araria.

.... Respondents

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Appearance :

For the Petitioners	:	Md. Helal Ahmad, Advocate
For the State	:	Mr. Kundan Bhadur Singh, S.C.22
For the Board	:	Md. Rashid Alam, Advocate
For the Pvt. Res.	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 08-03-2016

Let a suit be filed and an appropriate declaration be obtained with regard to the identity of the Madarsas in question which are subject matter of dispute.

A summary proceeding under Article 226 of the Constitution of India is not the answer for this kind of dispute as to which is the correct Madarsa and which is the fake Madarsa, as if there is a scope for two Madarsas with identical names and status, one recognized, the other unrecognized.

Writ application is dismissed with liberty as above.

(Ajay Kumar Tripathi, J.

Sanjay/-

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