

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2020 of 2014

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1. Sk. Sajjad Hussain S/O Late Sk. Azim Of Village- Bagahi P.S. Sugauli,
District- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Bihar State Madrasa Education Board, Patna through Its Secretary
3. Madrasa Islamiya Belaspur, Ramgarhwa, P.S. Ramgarhwa District- East
Champaran
4. District Education Officer, East Champaran
5. District Superintendent of Education, East Champaran
6. Collector, East Champaran, Motihari
7. Sub Divisional Officer, East Champaran Motihari
8. Abdur Sashid Shamshi S/O Late Abdul Habib Vill.- Belaspur, P.S.-
Ramgarwa, Distt.- East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 23-08-2016 Heard Mr. Y.C. Verma for the petitioner . No one
has appeared on behalf of the respondents.

Petitioner claims himself as the duly elected
Secretary of the Madarsa Islamiya Belaspur School falling under
Ramgarhwa Police station in the District of East Champaran.

Writ application questions the legal status of the
respondent no.8 as the Secretary of the Managing Committee of
the said Madarsa and prays for the following relief as contained
in para 1 (i) of the writ petition:-

“(I) To restrain the Respondent No. from

holding any enquiry the recognition/acceptance of the recalled election conducted illegally on paper own by the Respondent No. and to hold it to be illegal, invalid and to be no election in the eye of law and the Respondent no.8 to be not Secretary of the Madarsa Islamiya, Belaspur.

(II) To hold fresh election of Madrasa, Islamiya Belaspur falling within Ramgarhwa Block of East Champaran District.

(III) To hold the Managing Committee be headed by the petitioner to be valid, illegal and deserves recognition.”

In writ jurisdiction, the Court cannot consider the various disputed questions of fact and grant the relief(s). Mr. Verma has placed reliance on Section 7 of the Bihar State Madarsa Education Board Act, 1981 (for short ‘the Act’) wherein the Board is vested with jurisdiction to consider/examine the formation of the Managing Committee of the Madarsa and related question(s). It has been averred that the respondent no.8 without due approval of the authority and proper meeting of the Madarsa convened a meeting and got himself declared as Secretary of the Madarsa Board. Basically, it is a dispute pertaining to the constitution of the Managing Committee of the said Madarsa. The matter can be agitated either before the Board under the Act or the lis being civil in nature can be raised before the Court of competent civil jurisdiction.

Having said so, this Court declines the relief(s) permitting the petitioner to agitate his claim before the appropriate forum/authority in accordance with law. Needless to observe, if any such issue is raised by the petitioner before the Chairman of the Board, the same shall receive due consideration and disposal at his hand in accordance with law.

Before parting with the record, it is noted that the Court has not expressed any opinion on the merit of the claim of the petitioner.

(Kishore Kumar Mandal, J)

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