

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1202 of 2017

IN

Civil Writ Jurisdiction Case No. 14960 of 2017

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Md. Siddique @ Md. Sidique S/o Md. Israil, resident of Village Chanaura Goth PO Chanauragaj, PS Jhanjharpur, District Madhubai, Secretary of Managing Committee of Madarsa Rizwia Ismailiya, Badrulluloom, Chanaruragaj Goth, Madhubani

.... Respondent No. 8/ Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Special Director, Secondary Education Human Resources Development Department, Govt. of Bihar, Patna
3. The District Education Officer, Madhubani
4. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga
5. The Bihar State Madarsa Education Board through its Secretary, 5, Vidyapati Marg, Patna
6. The Chairman, Bihar State Madarsa Education Board, 5 Vidyapati Marg, Patna
7. The Secretary, Bihar State Madarsa Education Board, 5 Vidyapati Marg, Patna
8. Abdul Rashid Siddique, son of Late Abdul Hamid, Secretary of the Managing Committee of Madarsa Rizwia Ismailiya, Badrulluloom Chaurangan Goth, District Madhubani
9. Mobarak Hussain Quahmi, son of Late Maulvi Razi Ahmad, Head Maulvi of Madarsa Rizwia Ismailiya Badarula, Chanauraganj (Goth) District Madhubani
10. E O U Bihar through the Superintendent of Police, Economic Offence Unit, Patna

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Respondents/ Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Shahnawaz Ali
For the State : Mr. ASHUTOSH RANJAN PANDEY, AAG 15
For E O U : Mr. V N P Singh, Sr. Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-12-2017

Seeking exception to an order dated 18.08.2017 passed
by the learned Writ Court in CWJC No. 14960 of 2017 this appeal
has been filed under Clause 10 of the Letters Patent, inter alia,



contending that it is a matter of dispute between two Madarsas. With regard to the institutions in question, it was a dispute between the private parties and the jurisdiction exercised by the learned Writ Court directing the Economic Offences Unit to investigate into the matter is unsustainable..

This appeal has been filed primarily on the ground that with regard to the allegation in question in respect of the Madarsas, the Bihar State Madarsa Education Board is the competent authority to look into the matter. The direction issued by the learned Writ Court is unsustainable.

Having heard learned counsel for the parties at length we find that when the writ petition was pending the learned Writ Court issued notice to the Economic Offences Unit, Patna and from the counter affidavit filed by the Unit it was held that in the matter of provision of grant-in-aid given by the State Government various discrepancies and irregularities have been committed and therefore the learned Writ Court thought it proper to direct the Superintendent of Police, Economic Offences Unit to cause an enquiry into the matter. In doing so, in our considered view, the learned Writ Court has not committed any error which warrants reconsideration. The concerned parties may face the enquiry and get themselves exonerated of the allegations made and at this stage indulgence of



this court into the matter is not called for.

Finding no reasonable ground this appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr.l./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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