

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.573 of 2016  
IN  
Civil Writ Jurisdiction Case No. 24624 of 2013**

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Md. Israil @ Lal Babu, son of late Jamaluddin, Resident of Village Gauspur, Baligaon, P.O- Baligaon, District Darbhanga, Secretary of Managing Committee of Madarsa Gausia Gauspur, Baligaon, at P.O. Baligaon, District Darbhanga.

.... .... Appellant/s

Versus

1. The State of Bihar
2. Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. Special Director Secondary Education, Human Resources Development Department, Bihar, Patna.
4. Regional Deputy Director Education, Darbhanga.
5. The District Education Officer, Darbhanga.
6. Bihar State Madarsa Education Board, Patna through its Secretary.
7. The Chairman, Bihar State Madarsa Education Board 5, Vidyapati Marg, Patna.
8. The Secretary, Bihar State Madarsa Education Board 5, Vidyapati Marg, Patna.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Amarendra Narayan, Advocate  
For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE  
and  
HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL JUDGMENT  
**(Per: HONOURABLE THE CHIEF JUSTICE)**  
**Date: 27-04-2017**

Delay in filing the appeal is condoned and I.A. No. 2553 of 2016 disposed.

Seeking exception to an order dated 27.11.2015 passed by the learned Writ Court in C.W.J.C. No.24624 of 2013, this appeal has been filed under Clause 10 of the Letters Patent.

In the matter of identity and jurisdiction with regard to



plot number and other factual aspect of the matter finding a disputed question of fact to be in existence, the learned Writ Court has directed the petitioner to take recourse to the remedy available of approaching the Civil Court, where evidence can be recorded and factual dispute can be adjudicated.

In doing so, the learned Writ Court has not committed any error warranting reconsideration.

The appeal is dismissed.

**(Rajendra Menon, CJ)**

**(Sudhir Singh, J)**

Narendra/-

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| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N.A.       |
| Uploading Date    | 05.05.2017 |
| Transmission Date |            |

