

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18558 of 2016

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1. Akhlad Noori S/o Late Kalimuddin C/o Md. Shabir, R/o H.N. 126m, Chatta Lal Miyan, Near Chamanwali Masjid, Dariyaganj, Delhi-2.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development, Govt. of Bihar, Patna. null null
2. The Chairman, Bihar State Madarsa Education Board, Patna.
3. The District Education Officer (D.E.O.), Purnea, Distt- Purnea.
4. The Superintendent of Education, Purnea.
5. The Block Education Extension Officer, Block Amour, Dist- Purnea.
6. The Secretary, (Azaz), Bhermara Madarsa School Managing Committee, Bhermara, Block Amour, Dist- Purnea.
7. The Principal (Maulvi), (Md. Quadir) Bhermara Madarsa School, Bhermara, Block Amour, Dist- Purnea.
8. The Memder (Alim Muzafer), Bhermara Madarsa School Managing Committee, Bhermara, Block Amour, Dist- Patna.
9. The Another Member (Abdul Khalique), Member, Bhermara Madarsa School Managing Committee, Bhermara, Block Amour, Dist- Purnea.
10. The State (Tahmid Hussain) Bhermara Madarsa School Managing Committee, Bhermara, Block Amour, Dist- Purnea.
11. Nahid Anjum S/o Late Nizamuddin illegally appointed Teacher, Bhermara Madarsa School, Block Amour, Dist- Purnea.
12. Salman S/o Tahmid Hussain illegally appointed Teacher, Bhermara Madarsa School, Block Amour, Dist- Purnea.
13. Aftab Alam Son of Suleman illegally appointed Teacher, Bhermara Madarsa School, Block Amour, Dist- Purnea.
14. Gulam Sarwar S/o Ali Muzafer illegally appointed Teacher, Bhermara Madarsa School, Block Amour, Dist- Purnea.
15. Sahab Anjum S/o Abdul Khalique illegally appointed Teacher, Bhermara Madarsa School, Block Amour, Dist- Purnea.
16. Salim Zaffer S/o Maulvi Quadir illegally appointed Teacher, Bhermara Madarsa School, Block Amour, Dist- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1
For the Madarsa Board : Mr. Rashid Alam
For the State : Mr. Ranjan Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 23-11-2017

No one appears on behalf of the petitioner.



The petitioner seeks cancellation of appointment of respondent nos. 11 to 16, who are relatives of Secretary, Principal and Members of Bhermara Madarsa School, Management Committee.

Learned counsel, appearing on behalf of the Bihar State Madarsa Education Board, submits that the petitioner is a resident of Delhi and he has no concern with the affairs of the said Madarsa. It has also been submitted that the petitioner has an alternative remedy to file appeal before appropriate court.

It is apparent on reading of the pleadings in the writ application that the dispute is of private nature. The petitioner is said to have issued notice under Section 80 of the Code of Civil Procedure.

In that circumstance, since the petitioner had already chosen to take recourse to file a suit, he could not have filed the present writ application.

Accordingly, this application is dismissed.

(Chakradhari Sharan Singh, J.)

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