

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12949 of 2014

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Abdul Karim Son of Late Doman, Resident of Village- Gorhari, P.S. Parihar,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Department of Primary and Secondary Education, Bihar, Patna.
3. Bihar State Madarsa Board through its Secretary, Bihar, Patna.
4. The Chairman Bihar State Madarsa Board Bihar, Patna.
5. The Secretary, Bihar State Madarsa Board Bihar, Patna.
6. The District Magistrate-cum-Collector, Sitamarhi.
7. The Sub-Divisional Officer, Sitamarhi.
8. The District Education Officer, Sitamarhi.
9. Md. Idris Son of Late Abdul Gaffur, R/o Village- Gorhari, P.S.- Parihar, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. V. R. P. Singh and
Mr. Pushpendra Kumar Singh, Advocates
For the State : Mr. Tripurari Nath Ambastha, A.C. to S.C. 26

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-02-2017

Heard learned counsel for the parties.

The prayer in the present writ application is for
commanding the respondents to take appropriate action against the
working of Madarsa Miswahul Ulema situated in village Gorhari in
the District of Sitamarhi with regard to transfer of land and making



appointment.

At the very outset, learned counsel for the Bihar State Madrasa Education Board (hereinafter referred to as the 'Board') raised a preliminary objection and submitted that the writ petition is not maintainable as the Madrasa in question is managed by a private Managing Committee.

Learned counsel for the petitioner submitted that the Madrasa is recognized by the Government and is also getting grant.

Learned counsel for the Board submitted that it has been held by a Bench of this Court in the case of **Md. Minhaj Alam vs. The State of Bihar & Ors.**, in C.W.J.C. No. 8017 of 2007, by order dated 05.04.2011, that even the Madrasa which may be recognized by the Government and getting grant, the relief relating to management and appointment, even on compassionate ground, cannot be challenged in a writ proceeding as the Madrasa is neither a State nor an Authority amenable to such jurisdiction. This Court agrees with the reasoning of the co-ordinate Bench in the case of **Md. Minhaj Alam** (supra) as also the submissions of learned counsel for the Board. The issue relating to transfer of land and appointment is a purely private dispute and the action assailed is that of a private Managing Committee. The same is not amenable to writ jurisdiction. If any person is aggrieved, he has the remedy, under common law,



before the appropriate forum but certainly not the High Court under Article 226 of the Constitution of India.

In view thereof, the writ petition is misconceived and accordingly, stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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