

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.286 of 2017

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Md. Quaisar Raza, S/o Late Md. Shoaib Quasmi, Resident of Village-Marijgaon,
Tola Hatgaon, P.S. Palasi, District-Araria Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Chairman, Bihar State Madarsa Education Board, Patna

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
Md. Ziaul Quamar, Advocate

For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

For Madarsa Board : Md. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 30-11-2017

Heard learned counsel for the petitioner, State and
Madarsa Education Board.

2. In the instant writ application, the petitioner is
seeking direction for compassionate appointment.

3. Counsel for the Madarsa Education Board submits
that the writ petition is not maintainable, as the petitioner is seeking
direction against the private Managing Committee, which is not
amenable in the writ jurisdiction. However, he submits that
considering the hardship on account of death of bread earner, the
petitioner may approach the Managing Committee of Madarsa Ainul
Uloom Denga Idgah, district- Araria and the Bihar State Madarsa
Education Board, Patna and request for consideration of his case for
compassionate appointment. The Managing Committee of the
Madarsa in question being the competent authority may consider his
case, but no mandamus can be issued against that Managing



Committee. He submits that even the Bihar State Madarsa Education Board, Patna is not in a position to give any direction to the Managing Committee of the Madarsa in question. He submits that with reference to Annexure-7 necessary directions have already been issued by the Bihar State Madarsa Education Board, Patna to consider the case of the petitioner for compassionate appointment.

4. In view of the above, the Court expects that the Bihar State Madarsa Education Board, Patna will extend helping hand to the petitioner in the matter of expeditious disposal of the case for compassionate appointment. The Court instead of deciding the maintainability of the writ petition permits the petitioner to approach the Bihar State Madarsa Education Board, Patna to take further steps to ensure expeditious disposal of the case of petitioner for appointment on compassionate ground. The Court hopes and trusts that the Bihar State Madarsa Education Board, Patna will consider the case of petitioner in order to tide over financial crisis on account of death of the bread earner.

5. With the aforesaid observation, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2017
Transmission Date	NA

