

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15223 of 2014

Md. Shabnam Akhtar @ Md. Shamim Akhtar Son of Late Anishul Haque
Resident of Village - Jailjala, P.S. - Ajam Nagar, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Collector, Katihar.
2. The District Education Officer, Katihar.
3. The Block Education Officer, Ajam Nagar, District Katihar.
4. The Bihar State Madarsa Education Board, Patna through its Secretary.
5. The Secretary, Madarsa Ahmadia Islamia, at Jailjala, Madarsa No. 737.
6. The Head Maulvi, Madarsa Ahmadia Islamia, at Jailjala, Madarsa, No. 737, P.S. - Ajam Nagar, District - Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the Respondent/s : Mr. P.K. VERMA, AAG-5

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-11-2017 In the present writ application, the following relief has
been sought for on behalf of the petitioner:

“1. That by this writ application the petitioner prays for issuance of writ order or direction in the nature of Mandamus directing and commanding the respondents especially the respondent no.5 and 6 to issue appointment letter to the petitioner as Assistant Teacher at Madarsa Ahmadia Islamia, Madarsa No.737 at Jailjala in the district of Katihar on compassionate ground (as his father who was an Assistant Teacher at the said Madarsa died during service period) as directed by the respondent no.4 who had issued a letter to the respondent no.5 issued vide letter No.7448 dated 14.11.2013 (contained in Annexure-3) directing the respondent no.5 to issue appointment letter to the petitioner on the compassionate ground as his father Md. Anishul Haque died during service time and the petitioner is qualified for the appointment of teacher and inform



the Board for approval.”

On behalf of the respondent-Board, it has been submitted that the relief sought for on behalf of the petitioner is against the private Managing Committee of the Madarsa. The private Managing Committee do not come within the purview of Article 12 of the Constitution nor it is an instrumentality of the State. Hence, no direction under Article 226 of the Constitution can be made upon the private Managing Committee.

Counsel for the Board has further relied upon the order dated 05.04.2011 passed in C.W.J.C. No.8017 of 2007.

Considering the submissions made on behalf of the parties, I find no merit in the present writ application. The same stands dismissed.

(Sudhir Singh, J)

Narendra/-

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