

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.300 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 5504 of 2014**

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Madarsa Misbabul Uloom, Budhnagra, Sitamarhi through its Secretary, Abrar Ahmad, Son of Abul Khair, Village and P.O. - Budhnagra, P.S. - Nanpur, District - Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Human Resources, Government of Bihar, Patna.
2. Chairman Bihar State Madarsa Education Boards Vidyapati Marg, Patna.
3. The District Education Officer, Sitamarhi.
4. Aftab Alam, Son of Sadique Hussain, Resident of Village and P.O. Budhnagra, PrakhandBokhda, P.S. - Nanpur, District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Mukund. Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-02-2017

The present Letters Patent Appeal is directed against an order passed by a learned Single Bench of this Court on 05.10.2015 whereby the writ application was dismissed with liberty to the appellant to seek intervention of the Civil Court for appropriate relief.

A perusal of the records would show that a show cause notice was issued to the appellant to appear before the Madarsa Education Board on 18th of February, 2014. The appellant has not



averred that whether any decision was taken in pursuance of such show cause notice. Therefore, till such time Madarsa Board takes a decision in pursuance of the show cause once served upon the appellant, we find that invocation of writ jurisdiction of this Court is premature.

Consequently, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

As and when the Madarsa Board takes a decision in respect of the appellant-Institution or the Institute said to be established by the Respondent No.4, the aggrieved party shall have right to invoke the jurisdiction of the competent Court in accordance with law.

(Hemant Gupta, ACJ)

S.Pandey/-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
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