

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.55 of 2016

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The Managing Committee Of Madarsa Rashidia Madarsatul Banat,
At & Po Nemua , P.s Supaul , District Supaul. Madarsa No. 2245,
through its Secretary Md. Annarulhaq S/o late Md. Mohiuddin
Village & P.O. Nemua , P.s Supaul, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department , Government of Bihar,Patna.
2. The Principal Secretary, Education Department , Government of Bihar,Patna.
3. District Magistrate Officer, Supaul.
4. Bihar State Madarsa Education Board, through its Chairman, 5, Vidyapati Marg, Patna 8000001
5. The Chairman, Bihar State Madarsa Education Board 5, Vidyapati marg, Patna.
6. The Secretary, Bihar State Madarsa Education Board, Vidyapati marg, Patna.
7. Md. Shabbir Ahmad S/o Late md. Mosafir.
8. Md. Faiyaz Ahmad S/o Md. Shabbir Ahmad Resident of Village - Nemua, Ps & District - Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shabbir Ahmad, Adv.

For the Respondent/s : Mr. Ravi Verma, AC to GP-4

: Mr. Md. Rashid Alam, Adv.

: Mr. Raj Nandan Prasad, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**



ORAL JUDGMENT & ORDER

Date: 08-04-2017

The petitioner, who claims to be the Managing Committee of Madarsa Rashidia Madarsatul Banat, Supaul, seeks a direction from this Court to the respondents to accord recognition to the said Madarsa Board, its Managing Committee and teachers appointed by the petitioner's Managing Committee, in the matter of receiving *grant-in-aid* released by the State Government.

2. From the pleadings on record, it appears that there is private dispute between two persons, one, who has filed the present application, claiming to be the Secretary of the Managing Committee of the said Madarsa, Rashidia Madarsatul Banat, and one Md. Shabbir Ahmad, who is said to be functioning as Secretary of the said Committee and running the Madarsa.

3. Learned counsel for the petitioner has submitted that the land, in question, was donated for the Madarsa, as required under the scheme of the State Government, by one Bibi Khushbu Nisha, through a valid deed of gift, in favour of the said Managing Committee of Madarsa Rashidia Madarsatul Banat. According to him, the donor of the land, on which the Madarsa is presently functioning, did not have right, title and interest over the land with respect to which the said donor had executed the deed of gift and, therefore, the said transfer is



fraudulent. He has submitted that in such circumstances, the State Government should not release *grant-in-aid* in favour of the Madarsa, which is running on a land, which was fraudulently donated in favour of the Managing Committee of the said Madarsa. He has further submitted, as a matter of fact, that the said deed has not been executed in favour of the Managing Committee of Madarsa Rashidia Madarsatul Banat, rather Madarsa, namely, Rashidul Uloom.

4. The nature of dispute, which has been raised in the present proceeding, cannot be decided in a writ proceeding. The petitioner can raise such plea in a duly constituted suit before appropriate forum.

5. This application is not maintainable and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.04.17
Transmission Date	

