

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13222 of 2016

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1. Murjid Alam @ Md. Murjid Alam Son of Abdul Rashid Resident of village - Bharnathi, Post office - Roshna, Police Station Amdabad, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The Special Director (Madarsa) Department of Human Resources Development, Govt. of Bihar, Katihar
4. The District Magistrate, Katihar
5. The District Education officer, Katihar
6. The District Programme officer (Establishment), Katihar
7. The Block Education officer, Amdabad Block, Katihar
8. Md. Shamshul Haque @ Sheikh Shamshul Son of Sheikh Jainal Resident of village + P.O. Mahuar, P.S. Manihari, District - Katihar, Present, Madarsa Islahul Momnin Bharnathi, Village - Bharnathi, P.O. Roshna, P.S. Amdabad, District - Katihar
9. Md. Ekramul Haque Son of Late Ainul Haque Resident of village - Mallipur, P.O. Roshna, P.S. Amdabad, District - Katihar Secretary, Madarrsa Islahul Momnin Bharnathi
10. Md. Yusuf Son of not Known, Head Maulvi, Madarsa Islahul Momnin, Bharnathi, P.O. Roshna, P.S. Amdabad, District - Katihar, Member, Madarsa Islahul Momnin, Bharnathi
11. Md. Habibur Rahman Son of Nes Mohammad Resident of Village - Maltipur, P.O. Roshna, P.S. Amdabad, District - Katihar, Member, Madarsa Islahul Momnin, Bharnathi
12. Anwarul Haque Son of Ushman Ali Resident of village - Lakhanpur, P.O. Dilli Deewaganj, P.S. Amdabad, District - Katihar, Member, Madarsa, Ishlahul, Momnin, Bharnathi
13. Abdul Quaiyum Son of Joshimuddin Resident of Village - Maltipur, P.O. Roshna, P.S. Amdabad, District - Katihar, Member, Madarsa Islahul Momnin, Bharnathi
14. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna 800 001
15. The Secretary, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna 800 001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.K. Jha, Advocate
For the Respondent/s : Mr. Rashid Alam, Advocate
For the State : Mr. Amarendra Kumar, AC to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE



and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 17-07-2017

In this writ petition under Article 226 of the Constitution, petitioner, a resident of village Bharnathi, P.O. Roshna, P.S. Amdabad, District Katihar comes out with a case that Madarsa Islahul Momnin, Bharnati has been established and numbered as Madarsa No.1533. The petitioner and various other persons are interested in the working of the aforesaid Madarsa but they are opposing the construction and establishment of the Madarsa in a different Khata.

This Public Interest Litigation has been filed seeking establishment of the Madarsa in an appropriate place. Counter affidavits have been filed by all the respondents, particularly by the statutory authorities and they rebut the contention of the petitioner and say that the Madarsa has been properly constructed.

As the dispute pertains to construction and establishment of a Madarsa in a particular location, this being a disputed question of fact, we are not inclined to go into all these issues in this writ petition in the form of a Public Interest Litigation. Instead, in case the petitioner has any grievance, he may take recourse to the statutory remedy available or the common law



remedy of approaching the competent Civil Court where these issues can be enquired into and a decision taken.

Accordingly, finding no ground to go into the question in a Public Interest Litigation of the nature filed by the petitioner, we dispose of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.7.2017
Transmission Date	N/A

