

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1150 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 8892 of 2014

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1. The Managing Committee, Madarsa Islahul Banat, Nayatola, Bholamari, P.S. and P.O.- Amdabad, District- Katihar through its Secretary
 2. Md. Maqbul Husain, S/o Late Mansur Ali, resident of Bholamari, P.S. and P.O.- Amdabad, District- Katihar, the Secretary, Madarsa Islahul Banat, Nayatola Bholamari P.S. and P.O.- Amdabad, District- Katihar.

.... Petitioners - Appellants

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat, Patna
2. The Principal Secretary, Human Resources Development Department, New Secretariat, Patna
3. The Special Secretary, Human Resources Development Department, Secondary Education (Madarsa), Govt. of Bihar, Patna
4. The Chairman, Bihar State Madarsa Education Board, Patna
5. The Bihar State Madarsa Education Board, Patna through its Secretary
6. The District Education Officer, Katihar
7. The Block Education Officer, Kursaila, District- Katihar
8. Fake Managing Committee, Madarsa Islahul Banat, Nayatola Bholamari, P.S. and P.O.- Amdabad, District- Katihar through its Secretary (Fake)
9. Md. Belal Hussain S/o Late Haji Lutfur Rahman, resident of Bholamari, P.S. and P.O.- Amdabad, Katihar, the Secretary, Madarsa Islahul Banat Bholamari P.S. and P.O.- Amdabad, Katihar.

.... Respondents - Respondents

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Appearance:

For the Appellant/s : Mr. T.N. Maitin, Sr. Advocate with
Mr. Md. Ataur Rahman, Advocate.

For the Respondents-State: Mr. A.K. Sinha, GA 1.

For the Madarsa Board: Mr. Md. Rashid Alam, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 17-04-2017

In the light of the factual dispute that which is the actual Madarsa having recognition of the Madarsa Board and entitled to represent the interest of the teachers, the learned Writ



Court having relegated the petitioners to take recourse to the remedy available by filing a suit for declaration of such disputed question of fact which cannot be adjudicated under Article 226 of the Constitution, we are of the considered view that the learned Writ Court has not committed any error warranting reconsideration. The appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, AR

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