

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15189 of 2015

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1. Md. Farmood son of late Md. Hiranyee resident of village - Arnuwa, Bishanpur, P.S. Laukha, District - Madhubani through its Secretary Managing Committee of Madarsa Islahul Muslameen at arnuwa, Bishanpur, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Special Director Secondary Education, Bihar, Patna.
4. The District Education Officer, Madhubani.
5. The Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna. null null
6. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna. null null
7. The Secretary Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna.
8. Md. Tayab son of Bodhan Miyan resident of village - Basudeopur, Tola - Bishanpur, P.S. Laukha, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Obaidur Rahman
For the State : Mr. Pandey S.Sahay, SC 31
For Respondent No. 8 : Mr. Wasi Ahmad Khan
For Madarsa Board : Mr. Md. Rashid Alam

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

5 10-05-2017 Heard learned Counsel for the parties
concerned.

The present writ application has been filed by
Md. Farmood, who claims to be the Secretary of the
Managing Committee of Madarsa Islahul Muslamen at
Arnwa Bishanpur, Madhubani. The respondent no. 8, Md.



Taiyab, also claims to be the Secretary of the same Madarsa.

The petitioner seeks a direction upon the respondents to make fresh enquiry of the said Madarsa in the light of the Government Circular No. 1090, dated 29.11.1980, for taking it in the category of Madarsa entitled for Grants-in-Aid.

It transpires from the pleadings on record that the District Education Officer, Madhubani, upon inspection, has submitted a report, dated 09.02.2013.

It is the case of the petitioner that earlier an inspection of the Madarsa was done by the District Education Officer, Madhubani, who had submitted a report on 18.06.2011, from which it is evident that it is the petitioner who is running the management of the said Madarsa. According to him, the subsequent report submitted by the District Education Officer, on 09.02.2013, is quite vague and not specific.

What is evident from the material on record is that there exists some dispute between the two Committees, which claim to be the Managing Committee of the concerned Madarsa. Bihar Madarsa Education Board has simply forwarded the subsequent report of the District Education Officer, dated 09.02.2013, to the Education



Department (Secondary Education), Government of Bihar, for the purpose of taking decision on the question of allowing Grants-in-Aid.

Secondly, despite submission of report in the year 2013, no decision has been taken by the State Government after the matter was sent by the Bihar Madarsa Education Board.

Learned Counsel for the petitioner has vehemently argued that there being specific report in favour of the petitioner, on that basis, the State Government ought to have taken a decision in relation to providing Grants-in-Aid in terms of the Government policy.

Without commenting upon as to which Committee is genuine committee of the concerned Madarsa, I dispose of this application with a direction to the Special Director, Secondary Education, Government of Bihar, to consider both the reports submitted by the District Education Officer, Madhubani, dated 18.06.2011 and 09.02.2013. There does not appear to be any justification behind keeping the matter pending for more than four years, by the State-respondents.

In the facts and circumstances, I direct the Special Director, Secondary Education, Government of Bihar, to take a final decision within a period of four weeks



from the date of receipt/production of a copy of this order.

This disposes of the writ application.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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