

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2034 of 2016

In

Civil Writ Jurisdiction Case No. 4109 of 2016

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Kamal Ansari, son of late Abdul Jaleel Ansari, resident of Village & P.O.-
Basmatia, P.S. Narpatganj, District- Araria Secretary of the Managing
Committee of Madarsa Ashraful Islamia at Basantmatia, District- Araria.

.... Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department,
Bihar, Patna.
3. The Special Director, Secondary Education, Bihar, Patna.
4. The Regional Dy. Director of Education, Purnea.
5. The District Education Officer, Araria.
6. The Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna-1.
7. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati
Marg, Patna-1.
8. The Secretary, Bihar State Madarsa Education Board, 5, Vidyapati
Marg, Patna-1.
9. Shamshul Hoda, son of late Ahmad Hussain, resident of Village & P.O.-
Basmatia, P.S. Narpatganj, District- Araria.
10. Noorul Hoda, son of late Amhad Hussain, resident of Village & P.O.-
Basmatia, P.S. Narpatganj, District- Araria.
11. Sanaullah, son of late Abdul Rahman, resident of Village & P.O.-
Basmatia, P.S. Narpatganj, District- Araria.

.... Respondents

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Appearance :

For the Appellant : None.

For the Respondents : Mr. Ashutosh Ranjan Pandey, A.A.G. 15 and
A.C. to A.A.G. 15.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-05-2017 None appears for the petitioner. Mr. Ashutosh Ranjan

Pandey, learned counsel representing the State is present.

In a matter pertaining to a dispute with regard to



identity of a genuine Madarsa finding thereto i.e., conflicting reports and unable to resolve such a conflicting question of fact in a writ petition under Article 226 of the Constitution, the learned Writ Court has granted liberty to the petitioner to take recourse of remedy by filing a suit.

We are of the considered view and in doing so, no error has been committed by the learned Writ Court in passing the order warranting reconsideration.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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