

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17680 of 2015

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Md. Faiyaz, Son of Late Sabiruddin, Resident of Village- Bartabari, Post Office- Shitalmani, Police Station- Azamnagar, District- Katihar.

.... Petitioner

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 Development, Govt. of Bihar, Patna.
4. The District Magistrate, Katihar.
5. The District Education Officer, Katihar.
6. The Sub Divisional Officer, Barsoi, Katihar.
7. The Block Education Officer, Azamnagar, Katihar.
8. Md. Manauwar Alam, son of not known, President Madarsa Qurania Hadiul Muslemin, At Bartabari Daulatpur, P.O. Sitalmani, District- Katihar.
9. Md. Qutub Alam, son of Late Daud Ali, Resident of Village- Bartabari, P.O. and P.S. Azamnagar, District- Katihar, Secretary Qurania Hadiul Muslemin, At Bartabari Daulatpur, P.O. Sitalmani, District- Katihar.
10. Md. Jasiruddin, son of not known, Head Maulvi Madarsa Qurania Hadiul Muslemin, At Bartabari Daulatpur, P.O. Sitalmani, District- Katihar.
11. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna-800001.
12. The Secretary, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna-800001.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Dhirendra Kr. Jha, Advocate.
Mr. Jibendra Mishra, Advocate.

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

For the State : Mr. P.K. Verma, AAG-3.
Mr. Ujjwal Kumar Sinha, AC to AAG-3.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 11-01-2017

The grievance of the petitioner is that without proper
constitution of the Managing Committee for the Madarsa Qurania
Hadiul Muslemin at Bartabari Daulatpur, Shitalmani, Katihar



Madarsa No. 1151, respondent nos. 8, 9 and 10 are discharging the functions of the Madarsa Board.

It is stated that though the Managing Committee has been constituted vide communication dated 21.11.2014 (Annexure-4) in terms of alleged public meeting held on 19.01.2014, but no such meeting was held. Therefore, the constitution of the Managing Committee is illegal.

The question is as to whether the meeting was held or whether the Managing Committee has not been properly constituted are the questions which can be raised by the petitioner in an appeal under Section 28 of the Bihar State Madarsa Education Board Act, 1981.

In view of the efficacious alternative remedy available to the petitioner, we relegate the petitioner to avail the remedy as is provided under the aforesaid Act.

The writ application is, thus, disposed of.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.01.2017
Transmission Date	

