

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1604 of 2017

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The Managing Committee of Madarsa Faizul Karim at Fatehan, District - Muzaffarpur through it's Secretary Md. Motiullah son of late Sk Abdul Khalique resident of village & P.O. Fatehan, P.S. Kataiyan, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The Bihar State Madarsa Education Board through its Chairman, 5, Vidyapati Marg, Patna - 1.
2. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna - 1.
3. The Secretary, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna - 1.
4. The Inspector of Bihar State Madarsa Education Board, Vidyapati Marg, Patna - 1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Obaidur Rahman
For the Respondent/s : Mr. Md. Rashid Alam

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 05-03-2018 I have heard learned counsel for the petitioner and the learned counsel representing the Bihar State Madrasa Education Board (hereinafter referred to as the Board).

2. One Intervention Application has been filed being I.A. No. 763 of 2018 on behalf of the Managing Committee of Madrasa Faizul Karim at Fatehan, P.S. Kathaiya, District- Muzaffarpur, through its Secretary, Md. Abdullah, son of Late Md. Salimullah, on the ground that the said Md. Abdullah has been elected as Secretary of the Committee of the said Madrasa Faizual Karim.



3. This writ application has been filed seeking direction to the Board to grant permanent approval to petitioner's Managing Committee as the approval which has been granted by the Board is only for a period of six months. In that light the Intervention Application, it has been asserted that petitioner cannot be granted the relief sought in view of subsequent constitution of the new Committee by election.

4. I.A. No. 763 of 2018 is allowed and the said body claiming to be the Managing Committee of Madarsa Faizul Karim at Fatehan, District Muzaffarpur, through its Secretary Md. Abdullah is permitted to be impleaded as respondent No.5 in course of the day.

5. Mr. Rashid Alam, learned counsel appearing on behalf of the Madrasa Board, has submitted that it has been decided by the Board to grant approval of a Committee initially for a period of six months and to take final decision thereafter, after receiving objections etc, from different persons/bodies.

6. There is no material on record to suggest that any decision was subsequently taken by the Madrasa Board to consider the question of grant of permanent approval. In view of a plea taken on behalf of the respondents that upon expiry of six months, the life of the petitioner's Managing Committee came



to an end, this Court *vide* order, dated 22.12.2017, had directed the said condition of approval only for a period of six months to be in abeyance.

7. This writ application is disposed of with a direction to the Madrasa Board to consider approval of the petitioner's Committee in accordance with law within a period of two months from the date of receipt/production of a copy of this order.

8. The Intervener-respondent shall have the right to appear before the Madrasa Board at the time of consideration of the petitioner's case for approval of the Committee. The Madrasa Board will be at liberty to take decision on the question of grant of approval of the Committee in accordance with law.

9. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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