

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9087 of 2015

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Zubair Ahmad, Son of Late Abdul Jalil Ansari, resident at Satanpatti, P.O. Lalman Patti, P.S. Ratanpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Special Director, Government of Bihar, New Secretariat, Patna.
3. The District Education Officer, Supaul.
4. The Managing Committee through its Chairman, Madarsa Islamia Arbia Chhitahi Hanuman Nagar, P.O. Chhitahi, Hanuman Nagar, P.S. Karjlan Bazar, District Supaul.
5. The Headmaster, Madarsa Islamia Arbia Chhitahi, Hanuman Nagar, P.O. Chhitahi Hanuman Nagar, P.S. Karjlan Bazar, District Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-07-2018

Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the following

relief:

“That the present writ petition is being preferred for issuance of an appropriate writ/writs, order/orders, direction/directions for commanding and directing authority for consideration and just decision related to his compassionate appointment on or after final adjudication to his candidature by virtue of sudden death of his father during service period.”

3. Learned counsel for the State raised a preliminary objection and submitted that the petitioner is seeking appointment on



compassionate ground on the plea that his father died in harness while working as Assistant Teacher in Madarsa Islamiya Arbiya, Chithi Hanuman Nagar in the district of Supaul. It was submitted that the said Madarsa is purely private under a Managing Committee with no control of the State Government and, thus, the said institution not being State under Article 12 of the Constitution of India is not amenable to writ jurisdiction. The Court finds the objection to be valid.

4. Accordingly, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, for the redressal of his grievance as raised in the present writ application. The Court would only indicate that disposal of the present writ application shall not adversely affect the cause of the petitioner and as and when he approaches the appropriate forum, his case shall be considered on merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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