

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5895 of 2018

-
1. Managing Committee Of Madarsa Islamia , Village- Swanahi Jagdish, P.O. Bathua Bazar, District- Gopalganj Ward No. 756, through its Head Maulvi, Noor Alam @ Maulana Noor Alam Son of Mustafa Resident of Behind I.B. Board Ward No. 26, Police Station- Gopalganj, District- Gopalganj.
 2. Noor Alam@Maulana Noor Alam Son of Mustafa Resident of Behind I.B. Board Ward No. 26, Police Station- Gopalganj, District- Gopalganj, Head Maulvi, Madarsa Islamia (Madarsa No. 756), Resident of Village- Swanahi Jagdish, P.O. Bethua Bazar, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna.
2. The Bihar State Madarsa Education Board, Bihar, Patna.
3. The Chairman, Bihar State Madarsa Education Board, Bihar, Patna.
4. The Secretary Bihar State Madarsa Education Board, Bihar, Patna.
5. The Controller of Examination, Bihar State Madarsa Education Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan
		Mr. Anamul Haque
For the Madarsa Board		Mr. Md. Rashid Alam
For the State	:	Mr. Jitendra Kumar Roy No-1 -SC-13
		Ms Ushak Kumari Singh, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 07-05-2018 Petitioner no.2 claims to be the Secretary of the Managing Committee of Madarsa Islamia, Swanahi in the district of Gopalganj. A direction is being sought in the present writ application to the respondents to accept the forms and fees of the students of the Madarsa for *Maulvi* Examination, 2018. It has been stated in paragraph 11 that the Madarsa has been granted continuous permission for allowing the students to



appear in the *Maulvi* examination. It has also been stated in paragraph 11 that the petitioners approached the Bihar State Madarsa Education Board for submission of the forms of 410 students, along with a demand draft for appearing in the said *Maulvi* Examination, 2018.

A counter affidavit has been filed on behalf of the Bihar State Madarsa Education Board, wherein it has been specifically stated that the Madarsa is not affiliated nor permission of any kind has been granted for *Maulvi* Examination, 2018. In such circumstance, it is the stand of the Board that the Board is not legally bound to accept any forms and fees and permit the students of the said Madarsa to participate in the said examination. *Bona fide* of the claim of the petitioners that there are 410 students, who intend to take *Maulvi* examination from the Madarsa, in question, has been seriously questioned by the Board. It is the case of the Board that for teaching 410 students, there must be infrastructure for running at least 08 sections with extra 16 teachers and 08 classrooms.

Learned counsel, appearing on behalf of the Board, has submitted that the circumstance under which the petitioners claim that there are 410 students pursuing their *Maulvi* Course



in Madarss, creates a serious doubts over the affairs of the Madarsa, in question.

The averments made in the counter affidavit have remained uncontroverted since there is no reply filed to the counter affidavit.

Learned counsel, appearing on behalf of the Board, appears to be right in his submission that the claim of the Madarsa, in question, that it is imparting teaching at the level of *Maulvi* to 410 students, is a matter which needs to be inquired into.

While dismissing the writ application, I observe that let an inquiry be conducted in respect of the affairs of the Madarsa, in question, by the District Magistrate, Gopalganj, on the point as to how the Madarsa is claiming to have 410 students, who are eligible for *Maulvi* examination.

This application stands dismissed with the aforesaid observation.

(Chakradhari Sharan Singh, J)

HR/-

U			
---	--	--	--

