

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1734 of 2016

In
Civil Writ Jurisdiction Case No.5837 of 2016

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Md. Jamil Ansari, Son of Late Abdul Wahid Ansari, Resident of Village-Belauncha Lakhanpur, P.S.- Lakhanpur, District- Madhubani, the Secretary of the Managing Committee of Madarsa Ghausia Belauncha, P.S.- Lakhanpur, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Bihar State Madarsa Education Board, Vidyapati Marg, Patna through its Secretary,
3. The Chairman, Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
4. The Secretary, Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
5. The Special Director, Secondary Education, Bihar, Patna.
6. The District Education Officer, Madhubani.
7. Md.Alam Son of Late Ghiyasuddin Ansari, the Secretary of fake New Managing Committee.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Syed MD.Iqbal Hasan Rahmani, Advocate
For the State	:	Mr. Amrendra Kumar, Advocate
For the Madarsa Board	:	Md. Rashid Alam, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

12 08-01-2018 In the matter of dispute between two Madarsas based on an enquiry, impugned action has been taken and the learned Single Judge has refused to interfere into the matter.

Even though learned counsel for the appellant vehemently argued that the enquiry report is forged and spot inspection has not been properly undertaken, we are of the considered view that with regard to the existence of two Madarsas and various



other issues involved thereto until disputes on facts are not adjudicated and for the same exercise of jurisdiction in a writ petition is not called for. The appellant may take recourse to the remedy available under the law and seek declaration where the issue of identity of Madarsa can be resolved by collection of evidence.

Granting liberty to the appellant to do so, we see no reason to make indulgence into the matter.

The appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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