

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6158 of 2013

=====

Mahboob Alam Son Of Late Kabiruddin Resident Of Village Majkuri P.S. Kochadhaman, District- Kishanganj, The Secretary Of The Managing Committee Of Madarsa Islamia Mahboobia Idgah Majkuri P.S. Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Department Of Human Resources Development Department, Govt. Of Bihar, Patna
2. The District Education Officer, Kishanganj
3. The Secretary Of The Bihar State Madarsa Education Board, Vidyapati Marg, Patna
4. The Chairman Of The Bihar State Madarsa Education Board, Vidyapati Marg, Patna
5. The Bihar State Madarsa Education Board, Patna Through It'S Secretary
6. The Managing Committee Of The Madarsa Islamia Mahboobia Idgah Majkuri, P.S. Kochadhaman District- Kishanganj, Through It'S Secretary Babul Rashid Son Of Late Mainuddin Resident Of Village- Majkuri P.S. Kochadhaman, District- Kishanganj
7. Wali Ahmad(Alim) S/o Ayub Resident of Village- Bohita, P.S. Kochadhaman, District Kishanganj.
8. Nesar Alam(Moulvi) S/o Abdur Rasheed Resident of Village- Majkoori, P.S. Kochadhaman, District Kishanganj.
9. Azharuddin(Hafiz) Son of Matloob Alam Resident of Village- Phulwari, P.S. Kochadhaman, District Kishanganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Md. Anisur Rahman
For the State	:	Mr. Naman Nayak, AC to AAG 10
For Madarsa Board	:	Mr. Rashid Alam
For Private Respondents	:	Mr. Mahtab Alam

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 30-11-2018

Heard learned counsel for the parties.

The issue as to the Managing Committee and against the Managing Committee cannot be decided in the writ proceeding. Appropriate remedy would be to approach the competent civil court by exercising common law remedy,



particularly in view of the law laid down by the Apex Court in the case of *Sirsi Municipality vs. Cecelia Kom Francis Tellis* [AIR 1973 SC 855]. The petitioner shall be at liberty to file a civil suit before a competent civil court in accordance with the principles laid down in the case of *Sirsi Municipality* (supra).

With the aforesaid, the writ petition stands disposed of.

It goes without saying that the petitioner would be at liberty to implead all such persons who are necessary and proper parties in the suit.

(Anil Kumar Upadhyay, J)

mrl./-

U			
---	--	--	--

