

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1356 of 2017

In

Civil Writ Jurisdiction Case No.15443 of 2016

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The Managing Committee of the Madarsa Gausia Noorpara, Natuapara Madarsa No. 466 through the Secretary Ehtashan Jeelani son of Abdur Razzaque, resident of village Natwapara Police Station Bahadurganj District-Kishanganj.

... .. Appellant/s

Versus

1. The Bihar State Madarsa Education Board, Patna through the Chairman.
2. The Secretary, the Bihar State Madarsa Education Board, Patna.
3. The Inspector, the Bihar State Madarsa Education Board, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Firoz Ahmad, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2018

1. Present appeal is called out twice for admission hearing. On both the occasions, learned Counsel appearing on behalf of the applicant has chosen to remain absent. Therefore, the matter is posted and heard ex parte.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the learned Single Judge dated 22.08.2017, passed in C.W.J.C. No. 15443 of 2016, by which the learned Single Judge has dismissed the said petition and has refused to grant any relief, as prayed for in the petition, the



original writ petitioner has preferred the present Letters Patent Appeal under Clause X of the Letters Patent.

3. From the impugned order passed by the learned Single Judge as well as considering the material on record and the proceedings of the main writ petition, it appears that what was challenged by the original writ petitioner before the learned Single Judge was the notice dated 01.08.2016 issued by the Inspector, Bihar State Madarsa Education Board, Patna making a communication to the effect that an enquiry has been assigned to him to examine the dispute between the two managing committees claiming to be the managing committee of the Madarsa Gausia Noor Para, Natuapara Madarsa in the District of Kishanganj. One another relief sought was to direct the appropriate authority to accept the enquiry report of the Regional Deputy Director, Education, Purnea.

4. However, considering the fact that there was apparent dispute between the management committees claiming to be the real management committee of Madarsa in question and that the proceedings before the appropriate authority - Inspector, Bihar State Madarsa Education Board, Patna was pending, the learned Single Judge refused to entertain the petition. Learned Single Judge has further observed that if any final order is passed against



the writ petitioner, in that case he can certainly prefer an appeal under Section 28 of the Bihar State Madarsa Education Board Act, 1981, if permissible. No error has been committed by the learned Single Judge.

5. Under the circumstances, there is no substance in the present appeal and the same deserves to be dismissed and is, accordingly, dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

K.C.Jha/-

AFR/NAFR	NAFR
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