

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14804 of 2016

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1. Shahida Shaheen, wife of Md. Shakil
2. Rabiya Khatoon, wife of Md. Quamre Alam, Both residents of village - Pilakhwara P.O. - Parsa, P.S. - Keoti, District - Darbhanga.
3. Zeenat Parveen, wife of Md. Tamanne resident of Mohalla - Rampur P.O. - Parsa, P.S. - Keoti, District - Darbhanga.
4. Md. Qamar Raza, son of Late Md. Sagir resident of village - Pilakhwara P.O. - Parsa, P.S. - Keoti, District - Darbhanga Petitioners

Versus

1. The State of Bihar through, the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Government of Bihar, Patna.
4. The District Education Officer, Darbhanga.
5. The District Programme Officer (Establishment), Darbhanga.
6. The Bihar State Madarsa Education Board, Patna through its Secretary, 5 Vidyapati Marg, Patna - 800001.
7. The Chairman Bihar State Madarsa Education Board, Patna 5 Vidyapati Marg Patna - 800001.
8. The Secretary Bihar State Madarsa Education Board, Patna 5 Vidyapati Marg, Patna - 800001.
9. The Managing Committee of Madarsa Deniya at Rampur P.O.- Chhotaipatti Via Rayam Factory, District Darbhanga through its Secretary, Respondents

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Appearance :

For the Petitioner : M/S Md. Anis Akhtar & Arif Sidiquee, Advs.
For the State : Mr. Amit Bhushan, AC to GP XVII
For the Board : Mr. Md. Rashid Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-02-2018 Heard the learned counsel for the petitioners, the learned counsel appearing on behalf of the Board and the learned counsel appearing for the State.

The grievance of the petitioner, in the present writ application, is that the fund allocated by the State Government is not properly distributed and on account of such irregularity in distribution, the petitioners are not getting salary. The learned counsel submits that the matter can be resolved by directing Madarsa Education Board, Patna, to take final decision on the



representation before the Madarsa Education Board, Patna, and at one point of time issue notice to the parties for disposal.

In view of the above, the writ petition is **disposed of** with liberty to the petitioner to file fresh representation, enclosing all the relevant documents, along with a copy of this order before the Secretary, Madarsa Education Board, Patna, who shall place the representation of the petitioners before the Madarsa Education Board, Patna, for final decision in the matter of payment of salary. The Madarsa Education Board is expected to take final decision, if petitioners file such representation within a period of one month from today within a further period of two months in order to resolve the controversy.

Ordinarily in matters of such dispute the Courts are reluctant, but, in view of the judgment of the Apex Court in the case of **Anadi Mukta Vrs. V.R. Rudani**, reported **in (1989) 2, SCC 691** as the fund required for payment of salary is the fund of the State Government and in such matter the Court can issue direction so that the fund of State can be property distributed.

(Anil Kumar Upadhyay, J)

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