

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15554 of 2014

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Md. Riyazuddin, S/O Md. Mustafa, resident of village- Chirotna, P.S.- Bithan,
District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Special Director, Secondary Education, Bihar,
Patna
2. The District Magistrate, Samastipur
3. The District Education Officer, Samastipur
4. The District Programme Officer (Establishment), Samastipur
5. The Block Education Officer, Bithan, District- Samastipur
6. The Secretary, Bihar State Madarsa Education Board, Patna
7. Bihar State Madarsa Education Board, Patna through its Secretary
8. The Chairman, Bihar State Madarsa Education Board, Patna
9. The Managing Committee of Madarsa Islamia at Chirautana, P.O.- Salha
Buzurg, Via-Bithan, District- Samastipur through its Secretary
10. The Incharge Headmaster of Madarsa Islamia at Chirautana, P.O.- Salha
Buzurg, Via-Bithan, District- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Thakur, Advocate
For the Respondent/s : Mr. Syed Hussain Majeed, AC to SC-6
For the Madarsa Board : Mr. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 20-08-2018

Learned counsel for the petitioner has placed reliance
on Annexures- 6 and 7, which are the letter issued by the District
Education Officer, Samastipur in relation to payment of salary to the
petitioner.

2. The issue of payment of salary requires manifold
enquiry of fact as to the legality and validity of appointment and also
the verification of the record to ascertain whether the petitioner has
actually worked.



3. In the present case, primarily the relief is claimed against the Madarsa Islamia and the writ application against the Madarsa Islamia is not maintainable in view of the judgment of the Apex Court in the case of **Sirsi Municipality vs. Cecelia Kom Francis Tellis**, reported in **AIR 1973 SC 855**.

4. Under the aforesaid circumstances, this Court is not inclined to grant any positive direction to the respondents. However, liberty shall be available to the petitioner either to approach the departmental authority for redressal of his grievance or to file suit before the competent court.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2018
Transmission Date	

