

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1934 of 2016

In

Civil Writ Jurisdiction Case No.13688 of 2015

Abdul Wahab, S/o Late Safiruddin, Resident of Village - Mirzapur Deyari,
P.S. - Bousi, District - Araria.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director (Secondary Education) Department of Education, Govt. of Bihar, Patna.
4. The Joint Secretary, Education Department of Bihar, Patna.
5. The District Education Officer, Araria, District - Araria.
6. The District Magistrate, Araria.
7. The Block Education Officer, Raniganj, Block, District - Araria.
8. The Circle Officer, Raniganj Circle, District - Araria.
9. The Bihar State Madarsa Education Board through its Chairman.
10. The Chairman, Bihar State Madarsa Education Board, Patna.
11. The Secretary, Bihar State Madarsa Education Board, Patna.
12. Md. Unus, Chairman, Madarsa Millat- E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District - Araria.
13. Md. Anis Uddin, Secretary, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District - Araria.
14. Md. Arif, Member, Madarsa Millat - E - Islamiya, Diyari - Mirzapur, Prakhhand - Raniganj, District - Araria.
15. Kalim Uddin, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District - Araria.
16. Rais Uddin, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District- Araria.
17. Md. Abbas, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District - Araria.
18. Vali Mohammad, Member, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District - Araria.
19. Naushad Alam, Member , Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District - Araria.
20. Ejaj Ahmad, Pradhan Maulvi, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District - Araria.
21. Tamiz Uddin, Representative Teacher, Madarsa Millat - E - Islamiya, Diyari Mirzapur, Prakhhand - Raniganj, District – Araria.
22. Ahmad Hussain, son of Nabirisdder Resident of Village- Mirzapur Diyari, P.S. Bousi, District- Araria



... .. Respondent/s

Appearance :

For the Appellant/s :

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-02-2018

None appears for the appellant. None had appeared on the last date also.

Delay of 174 days in filing of the appeal is condoned. I.A. No. 8097 of 2016 stands allowed and disposed of.

In the matter of dispute between the two Madarsas, finding there to be various factual aspects of the matter, which are required to be inquired into, and a finding recorded as to whether one of the Madarsa is a fake Madarsa or not, the learned Writ Court has refused to exercise its jurisdiction under Article 226 of the Constitution of India and has relegated the appellant to take recourse to the remedy available under the common law.



In doing so, looking to the nature of dispute involved in the matter, we find no error warranting reconsideration.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.02.2018
Transmission Date	

