

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11134 of 2017

Md. Jannat Son of Fakir Mohammad, R/o Village- Mangasihal, Police Station- Marauna, District- Supaul, Secretary Madarsa Islahia Manirul Uloon (Madarsa Old No. 1002 New No. 2131), Village- Mangasihal, P.S.- Marauna, District- Supaul.

... .. Petitioner/s

Versus

1. The Bihar State Madarsa Education Board through its Incharge Secretary, Patna.
2. The Chairman, Bihar State Madarsa Education Board, Patna.
3. The State of Bihar through Joint Directro, Department of Education, Bihar, Patna.
4. The District Education Officer, Supaul.
5. The District Programme Officer, Supaul.
6. Abdul Shakoor, S/o Late Md. Rafique, R/o Village- Jingwa, Police Station- Marauna, District- Supaul, the self declared Secretary of Managing Committee of Madarsa Manirul Uloom, Village- Mangasihal, P.S.- Marauna, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Irshad Ahmad Khan
For the State	:	Mr. Umesh Narayan Dubey, AC to GP-27
For the Madarsa Board	:	Md. Rashid Alam

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 31-10-2018 This writ application has been filed seeking quashing of the order dated 13.12.2016 passed by the Joint Director, Education Department, Government of Bihar in Appeal No. 34 of 2016, whereby the petitioner's appeal has been rejected.

It transpires from the pleadings on record and the documents which have been annexed with the writ application that there is private dispute between the petitioner and the respondent no. 6 over management of Madarsa Islahia (Islamia)



Manirul Uloom in the district of Supaul. The petitioner had earlier approached this Court against an order dated 18.03.2015 passed by the Chairman, Bihar State Madarsa Education Board, by filing C.W.J.C. No. 6451 of 2015, which was disposed of by a Co-ordinate Bench of this Court by order dated 11.02.2016 with a liberty to the petitioner to file a suit and get a declaration as to which is the authentic Madarsa in question. It was also made clear in the order dated 11.02.2016 that the petitioner would be free to challenge the impugned order dated 18.03.2015 as well. He had preferred an appeal under Clause 10 of the Letters Patent of this Court, giving rise to L.P.A. No. 810 of 2016. A Division Bench of this Court having found the impugned order dated 18.03.2015 to be appealable under Section 28 of the Bihar State Madarsa Education Board Act, observed that the petitioner shall be at liberty to challenge the impugned order dated 18.03.2015, either in appeal or in such other manner as may be permissible in law. It was in view of the observation of the Division Bench that the petitioner preferred the appeal under Section 28 of the Act, which has been dismissed by the appellate authority, which order is under challenge in the present writ application.

On perusal of the averments and the order impugned



in the present writ application, coupled with other aspects of the matter, I find substance in the submission made on behalf of the Board that the present case involves so many disputed questions of facts, which may not be gone into present proceeding under Article 226 of the Constitution of India.

This application is, accordingly, dismissed.

The petitioner shall be, however, at liberty to take recourse to any other forum as may permissible in law, seeking relief as has sought in the present proceeding.

(Chakradhari Sharan Singh, J)

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