

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17560 of 2018

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Madarsa Arbia Hidayatul Ullaon through Head Maulvi Namely Md. Tauqeer,
Son of Abdul Jabbar, Resident of Village- Trimuhan, Post Office- Bishanpur,
Police Station- Saharghat, Block- Madhwapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The Bihar State Madarsa Board, Patna through its Secretary having its office at Patna.
2. The Chairman, the Bihar State Madarsa Board, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Darbhanga Division, Darbhanga.
5. The District Magistrate, Madhubani.
6. The District Education Officer, Madhubani.
7. The Sub Divisional Officer Benipatti, District- Madhubani.
8. Madaarsa Falahul Musfemin, Trimuhan, Village- Trimuhan, Post office- Bishanpur, Block- Madhwapur, District- Madhubani through its Head Maulvi namely Md. Kamran Arif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Respondent/s	:	Mr. Jitendra Kr. Roy 1- SC-13 with Mr. Hitesh Suman, AC to SC-13
For the Board	:	Md. Rashid Alam

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 07-09-2018 Frivolity of this case is writ large in the background of the nature of relief claimed by the petitioner while invoking extra-ordinary writ jurisdiction of this Court under Article 226 of the Constitution of India.

2. This writ application has been filed by Madarsa Arbia Hidayatul Ullol through head Maulvi, namely, Md. Tauqeer, seeking a direction to the respondents to conduct an enquiry and cancel the affiliation/recognition granted to



Madarsa Falahul Musfemin, Trimuhan, Trimuhan in the District of Madhubani. According to the petitioner, affiliation has been illegally granted by Bihar State Madrasa Education Board contrary to the provisions of establishment of Bastnia Madarsa since the said respondent does not have the requisite 5 Katha of land nor it has its own building. It is also asserted that within four Kilometres of periphery one Bastania Madarsa Manjre Islam is already there, which was established 30 years back which is running but respondent no.8 illegally wants to grab the building of the petitioner-Madrasa which has been established and run with the help of common villagers.

3. It is asserted that the petitioning-Madrasa was established in the year 2007 by common villagers, who have donated 2 Katha of land on 25.01.2007 and with the help of the villagers two rooms have been constructed and a Maulvi has been appointed for imparting education to the boys and the girls of the village and entire establishment cost including payment of salary is managed by the common villagers. The person through whom the present writ application has been filed, namely, Md. Tauqeer, it is being claimed, is also one of the teachers in the petitioner-Madrasa. There is peculiar statement made in the writ application that since there is already



recognized Bastania Madarsa Manjoore Islam, which was established in thirty(30) years ago in Islamia Tola of Village-Trimuhan, the petitioner-Madrassa has never claimed for its recognition. It is, thereafter alleged that respondent no.8 managed to fraudulently get 2 katha of land already registered in favour of petitioner-Madrassa along with 5 Katha of land registered on 07.06.2010, which is situate 2 Kilometer away from old established Bastania Madrasa has amalgamated 2 Katha and 5 Katha of land showing them to be adjacent. It is also being asserted that the same land has been transferred by Shahjahan Begam which was earlier transferred in favour of petitioning- Madrasa. This is the background in which the petitioner is claiming that the recognition granted in favour of respondent no.8 by the Bihar State Madrasa Education Board be cancelled.

4. The pleadings in the writ application as noted above clearly show that saying this application to be lacking any *bona fide* will be an under statement; rather it is a mischievous application to raise certain private disputes of complex character by confusing the entire issue. On the one hand, the petitioner is raising legality of certain deed of transfer of land executed in favour of respondent No.8, on the other hand, the legality of



grant of recognition in favour of respondent no.8 by the Bihar State Madrasa Education Board is being questioned on the ground that another Madrasa of Bastania level is already situated within the periphery of 4 kilometer.

5. In the Court's view, filing of the application is gross abuse of the process of the Court, which deserves to be dismissed with cost so as to deter irresponsible litigants from filing frivolous cases before this Court.

6. This application is, accordingly, dismissed with a cost of Rs. 20,000/-(twenty thousand) to be paid by the petitioner, Md. Tauqeer, son of Abdul Jabbar, Resident of Village- Trimuhan, District- Madhubani, which should be paid in the account of Bihar State Madrasa Education Board within three months from today.

(Chakradhari Sharan Singh, J)

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