

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1811 of 2017

In
Civil Writ Jurisdiction Case No.18558 of 2016

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Akhlad Noori S/o late Kalimuddin C/o Md. Shabir, R/o H.N. - 126m Chhatta
Lal Miyan, Near Chaman Wali Masjid Dariyaganj, Delhi - 2.

... .. Appellant

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Chairman, Bihar State Madarsa Education Board, Patna.
3. The District Education Officer D.E.O. Purnea, District - Purnea.
4. The Superintendent of Education, Purnea.
5. The Block Education Extension Officer, Block Amour, District - Purnea.
6. The Secretary, Azaz, Bhermara Madarsa School Managing Committee, Block Amour, District - Purnea.
7. The Principal (Maulvi), (Md. Quadir) Bhermara Madarsa School, Bhermara Block Amour, District - Purnea
8. The Member (Ali Muzaffar), Bhermara Madarsa School Managing Committee, Bhermara, Block Amour, District-Purnea.
9. The another Member (Abdul Khalique), Member, Bhermara Madarsa School Managing Committee, Bhermara, Block Amour, District - Purnea.
10. The Sadre (Tahmid Hussain) Bhermara Madarsa School Managing Committee, Bhermara, Block Amour, District- Purnea.
11. Nahid Anjum S/o Late Nizamuddin Illegally appointed Teacher, Bhermara Madarsa School, Block Amour, District - Purnea.
12. Salman S/o Tahmid Hussain Illegally appointed Teacher, Bhermara Madarsa School, Block Amour, District - Purnea.
13. Aftab Alam Son of Suleman Illegally appointed Teacher, Bhermara Madarsa School, Block Amour, District - Purnea.
14. Gulam Sarwar S/o Ali Muzaffar Illegally appointed Teacher, Bhermara Madarsa School, Block Amour, District - Purnea.
15. Shabab Anjum S/o Abdul Khalique Illegally appointed Teacher, Bhermara Madarsa School, Block Amour, District - Purnea.
16. Salim Zafer S/o Maulvi Abdul Quadir Illegally appointed Teacher, Bhermara Madarsa School, Block Amour, District - Purnea.

... .. Respondents/Respondents

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Appearance :

For the Appellant	:	Mr.Arun Kumar No. 1, Advocate
For the Respondent/State:		Mr.Ashutosh Ranjan Pandey -AAG15

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 03-12-2019**

The present appeal under clause 10 of the Letters Patent has been filed by the appellant challenging the order dated 23.11.2017 passed by the learned Single Judge in CWJC No. 18558 of 2016.

2. The appellant was the petitioner in CWJC No. 18558 of 2016. He had filed the writ petition seeking cancellation of appointment of respondent nos. 11 to 16 on the ground that they are relatives of Secretary, Principal and Members of Bhermara Madarsa School Management Committee.

3. The writ court dismissed the writ petition on three grounds. The first that the appellant has no concern with the affairs of the said Madarsa school; the second that a person aggrieved from the appointment of respondent nos. 11 to 16 has an alternative remedy to file appeal; and the third that the dispute is of private nature and the appellant had already issued notice under Section 80 of the Code of Civil Procedure.

4. On query, learned counsel appearing for the appellant submitted that though the appellant is a resident of



Delhi, his family members live in village. One of his family members was an applicant for appointment and, thus, he chose to file the writ petition before the court.

5. In our opinion, the learned Single Judge rightly dismissed the writ petition as the same was not filed as a public interest litigation and the appellant had no personal interest in the matter. That apart, the other grounds on which the writ petition was dismissed are also sound and cogent. No ground for interference with the order impugned passed by the learned Single Judge is made out.

6. The appeal, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

(Prakash Chandra Jaiswal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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