

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2881 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 6532 of 2015

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Mashkooor Alam, Son of Latifur Rahman, Resident of Village-Pipla, P.O.
Atahat, P.S.-Kochadhaman, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri R. K. Mahajan, Son of not named, Principal Secretary Education Department, Bihar, Patna.
2. Md. Shamsad Alam, the Chairman, Bihar State Madarsa Education Board, Patna.
3. Md. Jahid Hussain, the Secretary, Bihar State Madarsa Education Board, Patna.
4. Mofiz Alam Son of not named, President. (Respondent no. 4 and 5) Belongs from Managing Committee Madarsa Tamizia Bahrul Ullom, Pipla, P.O. Aatahat, Kocha Dhaman, District-Kishanganj, Madarsa No. 588.
5. Md. Jahagir Alam, Son of not named. Secretary. (Respondent no. 4 and 5) Belongs from Managing Committee Madarsa Tamizia Bahrul Ullom, Pipla, P.O. Aatahat, Kocha Dhaman, District-Kishanganj, Madarsa No. 588.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rishikesh Ojha, Advocate
For the State	:	Mr. P. M. Sharan, AC to AAG 15
For the Madarsa Board	:	Mr. Aslam Ansari, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-08-2019

Heard learned counsel for the petitioner; learned AC to
AAG 15 for the State and learned counsel for the Bihar State
Madarsa Board (hereinafter referred to as the 'Board').



2. The Court by order dated 19.05.2016 passed in CWJC No. 6532 of 2015 had quashed the approval given with regard to the Managing Committee of *Madarsa Tamizia Bahrul Ullom, Pipla, PO Aatahat, Kocha Dhaman* in the district of Kishanganj (*Madarsa* No. 588) on the ground that the Chairman of the Board had granted such approval which was beyond his power, as it was the Board, who could do that.

3. From the materials on record, it transpires that the Board has now given approval to such Managing Committee.

4. In view thereof, there cannot be any question of contempt having been committed by the opposite parties.

5. Learned counsel for the petitioner submitted that once such approval was interfered, the process had to be gone into *de novo* by getting a fresh enquiry done, which according to him, has not been done.

6. Be that as it may, the same is beyond the purview of the present contempt jurisdiction of the Court. However, it shall be open to the petitioner to move before the appropriate forum, in accordance with law, with regard to any grievance he may have in the formation of the Managing Committee of the Madarsa in question.



7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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