

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1718 of 2018

In

Civil Writ Jurisdiction Case No.17560 of 2018

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Madarsa Arbia Hidayatul Ullaol Through Head Maulvi Namely Md. Taugueer
R/o Village- Trimuhan, Post Office- Bishanpur, Police Station Sharghat,
Block- Madhawapur, District- Madhubani

... .. Appellant/s

Versus

1. The Bihar State Madarsa Board
2. The Chairman, The Bihar State Madarsa Board, Patna
3. The Joint Secretary, Department of Education, 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. Madarsa Falahul Muslemin, Trimuhan, Village- Trimuhan, Post Office-
Bishanpur, Block Madhawapur, Dis

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar

For the Respondent/s : Mr. Ashutosh Ranjan Pandey -AAG15

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 07-07-2022



Heard the learned counsel for the parties.

In view of the order passed by this Court on 28.6.2022, the hard copy of the affidavit has been filed across the board. Let it be taken on record.

The appellant/Madarsa Arbiya Hidayatul Ullaol, a Madrasa in the district of Madhubani, approached this Court *vide* C.W.J.C No 17560 of 2018 for cancellation of the affiliation of respondent No. 8/Madarsa Falahul Muslimeen, located near the appellant-Madarsa.

The learned Single Judge found the writ petition to be absolutely frivolous as the cancellation of the affiliation of Respondent No. 8 was prayed for on non-existent grounds. The learned Single Judge, therefore, saddled the writ petitioner with a cost of Rs. 20,000/- which was to be deposited before the Bihar State Madarasa Education Board within the 3 months of the passing of the order.

Hence, this appeal.

Mr. Arun Kumar, learned advocate for the appellant has drawn the attention of this Court to the fact that the



appellant-Madrassa had been set up with the assistance of local persons, one of whom, namely, Shahjahan Bibi, who had donated a plot of land, which formed part of the Madarsa and which was a necessary condition for grant of affiliation to the Madarsa Board. Same plot of land was shown by Respondent No. 8 in acquiring affiliation in the same area, in close vicinity of the appellant-Madarsa.

Mr. Arun Kumar has further submitted that the vendor of Respondent No. 8 does not have the right and title to convey the property.

This is a civil dispute which could not have been decided in a writ jurisdiction under Article 226 of the Constitution of India.

If, at all, the appellant-Madarsa was aggrieved by the affiliation of Respondent No. 8 on any ground whatsoever, the grievance could have been ventilated before the Madarsa Board.

Considering the afore-noted factual situation, we deem it appropriate to waive the amount of fine which was



imposed on the writ petitioner/appellant-Madarasa and leave it open for the appellant to agitate its grievance before an appropriate forum.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	NAFR
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