

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19264 of 2017

1. Reyaz Ahmad, son of Late Md. Abdullah Ansari,
2. Izhar Hussain, Son of Late Ramtullah Miyan.
3. Shamim Ansari, Son of Late Abdul Hussain Ansari,
All are resident of Ward No.6, Sonasati, Tola-Mohammadpur, Post- Rajpur
Madan, P.S.-Shikarpur, District- West Champaran, PIN- 845455.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Special Director, Secondary Education, Govt. of Bihar, Patna.
3. The District Magistrate, West Champaran at Betia.
4. The District Education Officer, West Champaran at Betia.
5. The Block Education Officer, Narkatiaganj Block, District-West Champaran.
6. The Bihar State Madarsa Education Board, Patna through the Secretary, Bihar State Madarsa Education Board, Patna, 5 Vidiyapati Marg, Patna-1.
7. The Chairman, Bihar State Madarsa Education Board Patna, 5, Vidiyapati Marg, Patna-1.
8. The Secretary, Bihar State Madarsa Education Board Patna, 5, Vidiyapati Marg, Patna-1.
9. Madarsa Ishlahul Muslemin Sonasati Mohammadpur through its Secretary, Narkatiaganj Block, P.S.- Shikarpur, District-West Champaran.
10. Abdul Rashid, Son of Late Md. Ishmile Miyan, at present Secretary of Madarsa Ishlahul Muslemin Sonasati Mohammadpur, resident of Village-Sonasati, Tola- Mohammadpur, P.S.- Shikarpur, District- West Champaran.
11. Md. Raisul Azam, Son of Md. Abdul Rashid, at present posted as Head Moulvi of Madarsa Ishahul Muslemin Sonasati, Mohammadpur, P.S. Shikarpur, Narkatiganj Block, District- West Champaran.
12. The Head Moulvi or the Headmaster of Madarsa Ishahul Muslemin Sonasati, Mohammadpur, P.S.- Shikarpur, Narkatiaganj Block, District-West Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Chandra Mauli Chaurasia, Advocate
For the Respondent/s : Ms. Abhanjalli, AC to GA-12



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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 12-07-2022

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The instant writ petition has been filed for a
direction to the respondent no.3 or any other higher authority of
the State Government to make an enquiry in respect of
malpractices of respondent nos. 10 and 11 who are bent upon to
obtain affiliation of Madarsa Ishahul Muslemin Sonasati,
Mohammadpur, West Champaran upto Wastania level from the
Madarsa Board.

3. The contention of the petitioners is that the
aforesaid Madarsa does not fulfill the criteria for affiliation.

4. Learned counsel for the petitioners has contended
that it is a fake Madarsa and the authorities are bent upon to
grant affiliation to it.

5. From the counter affidavit filed on behalf of the
State, it would appear that the Special Director, Secondary
Education, Government of Bihar vide letter No.509 dated
12.04.2018 requested the District Magistrate, West Champaran
to look into the matter.



6. The counter affidavit filed on behalf of the respondent no.4 would make it evident that the District Education Officer, West Champaran got the inquiry of the Madarsa done by the Block Education Officer, Narkatiaganj. After having inquired into the matter, the Block Education Officer submitted his report that the Madarsa fulfills its minimum requirement and its name may be forwarded for affiliation upto Wastania level in prescribed form issued by Bihar State Madarsa Education Board. The District Education Officer, West Champaran has also sent his report that the aforesaid Madarsa fulfills its minimum requirement and it may be affiliated upto Wastania level for better education of the students of the village.

7. Having perused the materials on record and heard the parties, we are of the opinion that this writ application has been filed by the petitioners with an oblique motive. It appears that the petitioner has got some vested interest and he want that somehow or other the aforesaid Madarsa be not affiliated.

8. Since the authorities have inquired into the criterion fixed for affiliation to Madarsa in case of the Madarsa in question and they are satisfied that the Madarsa fulfills all the criteria, there is no reason for this Court to have a different view



of the matter.

9. Accordingly, the instant PIL is dismissed.

(Ashwani Kumar Singh, J.)

(Dr. Anshuman, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2022
Transmission Date	NA

