

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3999 of 2021

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The Managing Committee of Madarsa Madinatul Uloom Taran, P.S. and Block- Jokihat, District- Araria (Madarsa No. 408) through its Secretary (New) Minhaj Alam @ Mohammad Minhaj Alam aged about 45 years (male) S/o- Wazuddin @ Md. Wajuddin, Resident of Village- Taran, Ward No. 13, P.O.- Duba, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Special Director Secondary Education Education Department, Govt. of Bihar, Patna.
3. The District Education Officer District- Araria.
4. The Block Education Officer Block- Jokihat, District- Araria.
5. The Chairman Bihar State Madarsa Education Board through its Secretary, Haroon Nagar, Sector-2, Apex Tower, Phulwarisharif, Patna.
6. The Secretary Bihar State Madarsa Education Board through its Secretary, Haroon Nagar, Sector-2, Apex Tower, Phulwarisharif, Patna.
7. Md. Akhtar Hussain S/o Late Md. Helaluddin Secretary (old), Madarsa Madinatul Uloom, Taran, Jokihat, Araria, r/o Vill.- Taran, Ward No. 13, P.O.- Duba, P.S.- Jokihat, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha, Adv.
For the State	:	Mrs. Shilpa Singh, GA-12
For the Madarsa Board	:	Md. Aslam Ansari, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 22-06-2022 Learned counsel for the petitioner submits that the Chairman, Madarsa Education Board has wrongly relegated the petitioner and the other parties to take their dispute resolve by a Civil Court and it was necessary for the Chairman himself to decide the same.

Per contra, learned counsel appearing for the Madarsa Board submits that there are disputed claims which are required



to be adjudicated by producing evidence on part of both the parties, who are claiming themselves to be the members of the trust.

In view thereof, the Chairman has passed the order which does not warrant any interference.

I have considered the submission, in the present case, the petitioner is member of one Committee claiming themselves to be Chairman and the Secretary, while there is another party which also has put up a similar claim. With regard to adjudication relating to the correct claim, evidence will require to be adduced with opportunity to the other side with cross-examination. Thus, it is a matter where the adjudication must be done by a judicial forum. The Chairman does not act as a judicial forum under the Act of 1981.

In view thereof, the Courts adopted an observations made by the Chairman vide its order dated 31st August, 2020 does not warrant any interference.

The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-
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