

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3636 of 2023

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Mushtaque Khan, Son of Md Zamiruddin Khan, Resident of Pathanbasti, P.S.
Paharkatta District Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar Patna.
3. The Special Director, Secondary Education, Government of Bihar, Patna.
4. The Bihar State Madarsa Education Board, Patna, through its Chairman, Vidyapati Marg, P.S. - Kotwali, Patna.
5. The Secretary, Bihar State Madrasa Education Board Vidyapati Marg, P.S. -Kotwali, District- Patna.
6. The District Magistrate, Kishanganj.
7. The Sub Divisional Officer, Kishanganj , District- Kishanganj.
8. The Block Development Officer (BDO), Pothia, P.S.- Pothia District- Kishanganj
9. The District Education Officer (DEO), Kishanganj.
10. The District Programme Officer DPO (Establishment), Kishanganj.
11. Haji Safiruddin @ Haji Nasiruddin President of new Managing Committee, “Madrasa Tajwedul Quran Paharkatta. Madarsa No. 990” (Madarsha Tajwedul Quran Madarsa No. 990), P.S. Paharkatta District Kishanganj.
12. Jamat Ali Secretary of new Managing Committee “Madrasa Tajwedul Quran Pahrkatta. Madarsa No. 990” (Madarsa Tajwedul Quran, Madarsa No. 990) P.S Paharkatta District Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sharma, Advocate
For the State	:	Mr.Ajay Behari Sinha, (GA-8) Ms. Kalpana, A.C. to GA-8
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate



Mr. Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-04-2023

The petitioner through the above writ petition claims that through a forged and fabricated document, a Management Committee has taken over the administration of Madarsa Tajwedul Quran Paharkatta, Madarsa No. 990, District- Kishanganj. The petitioner has also relied on Annexure-1 communication to establish that the Managing Committee was fraudulently constituted. It is also contended that there have been appointments made to the post of teachers by the said Managing Committee, who does not have the power to administer the Madarsa and in which circumstance, the appointments are also illegal. The communication at Annexure-1 at best indicates that an inquiry was carried on through the Block Development Officer, Pothia and that the report was forwarded earlier to the Secretary, Bihar State Madarsa Education Board. It was later revealed that the said Inquiry Report, regarding the Managing Committee of the Madarsa,



was not signed by the Block Development Officer and hence, it has no validity and any action taken thereto are not valid. Neither the Inquiry Report has been produced nor is it clear as to the matter which was inquired into and the findings, if at all made, by the Block Development Officer. In fact, it is very pertinent that the petitioner is also challenging the appointments made to the post of teachers in the Madarsa by the said Managing Committee. None of these persons have been impleaded as parties in the above writ petition.

Learned Government Advocate who appeared for the State submits that the writ petition itself is ill motivated and is only intended to settle personal scores. The fact that the petitioner seeks for a relief against the appointments made and the appointees having not been impleaded also stand against the entertainment of the writ petition. It is also to be noticed that an inquiry into the recognition and the facilities provided in Madarsas has already been initiated pursuant to orders in CWJC No. 2406 of 2018, which inquiry is on the anvil and continuing. The State had also in the said writ petition found 107 Madarsas who received grants-in-aid to be compliant with the requirements for enabling continued aid from the Government. If the petitioner has a grievance regarding the constitution of



the Managing Committee in a Madarsa, the proper remedy is a suit and not a public interest litigation.

In such circumstances, we do not find any reason to entertain the writ petition. The same stands dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
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