

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3131 of 2023

Akbar Ali Son of Samirul Haque Resident of Vilalge-Parsa, P.O.-Rampatti,
P.S.-Raj Nagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Bihar Madarsa Education Board, Patna, District-Patna.
3. The Collector, Madhubani, District-Madhubani.
4. The District Education Officer, Madhubani, District-Madhubani.
5. The Sub Divisional Officer, Sadar, Madhubani, District-Madhubani.
6. The Block Education Officer, Raj Nagar, District-Madhubani.
7. The Block Development Officer, Raj Magar, District-Madhubani.
8. Jamil Ahmad Son of Late Usman, Resident of Village-Parsa, P.S.-Raj Magar, District-Madhubani.
9. Hafiz Abdul Kalam Son of Late Hakim Sarpanch, Resident of Village-Parsa, P.S.-Raj Magar, District-Madhubani.
10. Md. Soyeb Son of Late Abdul Hakim Resident of Village-Parsa, P.S.-Raj Magar, District-Madhubani.
11. Mahmudal Hussan Kasmi Son of Jamil Akhtar, Resident of Village-Parsa, P.S.-Raj Magar, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kritya Nand Jha, Advocate
For the Respondent/s : Mr. Ajay, GA-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 25-04-2023

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

2. By way of the instant writ proceedings instituted as a
Public Interest Litigation, the petitioner alleges several
illegalities in a madarsa.

3. It is submitted that various authorities have enquired



into the legitimacy of the madarsa and directed for cancellation of its affiliation, as well as recovery of grants already paid to the madarsa in-question.

4. Parties today are at *ad idem* that the legitimacy of madarsa and the right based thereon to receive grants from the Madarsa Education Board has been considered in ***C.W.J.C. No. 20406 of 2018*** in the case of ***Md. Alauddin Bismil vs. State of Bihar & Ors.***

5. On 24.01.2023, this Court issued the following directions in the said proceedings.

“Under these circumstances, we issue the following directions:

(a) The Additional Chief Secretary, Education Department, Government of Bihar shall forthwith convene a meeting of all the Chairmen of the Three Member Committees constituted vide communication dated 17.09.2021, with a further direction to ensure completion of enquiry on expeditious basis and not later than four weeks from today;

(b) Till such time individual enquiry with respect to entitlement and compliance of statutory provisions of law and Government resolutions is not concluded, the amount by way of grants-in-aid shall not be released in favour of 609 educational institutions;

(c) The Director General of Police, Bihar shall ensure that investigation in relation to the F.I.R. already registered is expedited and the latest status report is placed on record



through his personal affidavit. This he shall positively do within next two weeks;

(d) We clarify that the pendency of the present petition shall not come in the way of the authorities taking appropriate action in accordance with law, be it of cancelling the registration of the educational institutions; stopping the grant and/or initiating disciplinary proceedings against erring officer(s) and official(s);

(e) Additional Chief Secretary, Education Department, Government of Bihar shall ensure that no child suffers only as a result of closure of such educational institution(s), be it on account of non-release of grants-in-aid or non-compliance of the statutory provisions. Every child upto a particular age has a constitutional and statutory right of being educated. Hence, it shall be ensured that with the closure of any institution, education of the children is not affected and that they are admitted in any government or other educational institution closer to the place of residence of the child.

(f) We notice that the Government has been releasing huge funds in favour of the educational institutions since the year 2013 and it is only on account of the directions issued by this Court, pursuant to the filing of the present petition by the petitioner, that the Government has taken remedial measures. Hence, we are hopeful that all further action shall be expedited and appropriate action taken in accordance with law. We may also remind the Government, as is so alleged by the petitioner, that, perhaps, a detailed enquiry needs to be conducted by a high level committee for there are more than



2459 educational institutions which are registered under the Madarsa Act. Additional Chief Secretary, Education Department, Government of Bihar shall file his personal affidavit indicating whether these educational institutions are fulfilling the criteria; have requisite infrastructure as stipulated under law and more specifically under the Madarsa Act and the regulations framed thereunder and the remedial action, if required, taken or not. He shall file his personal affidavit indicating the steps taken within next two weeks.”

6. It is not in dispute that the directions issued in the said writ proceedings encompasses all madarsa, including the madarsa in issue in the instant proceedings, which is one out of 609 institutions referred to in paragraph (b) of the above noted directions issued in **C.W.J.C. No. 20406 of 2018**.

7. We, therefore, do not find any reason to keep the instant writ proceedings pending.

8. Accordingly, the writ application is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

rajkishore/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	04.05.2023.
Transmission Date	N/A

