

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4515 of 2023

Najir Alam @ Md. Najir Aal Son of Late Md. Amin @ Shekh Amin resident of Village- Chandi Rajwara, P.S.- Bela, Block- Parihar, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary Dept. of Education.
2. The Bihar State Madarsa Education Board, Patna.
3. The Chairman, Bihar State Madarsa Education Board, Patna.
4. The Secretary, Bihar State Madarsa Education Board, Patna.
5. The Special Director, Department of Education, Secretariat, Patna
6. The District Magistrate, Sitamarhi.
7. The District Education Officer, Sitamarhi.
8. The Block Education Officer, Parihar, District- Sitamarhi.
9. Md. Owaish son of Late Md. Ilahir Bux, resident of Village- Chandi Rajwara, P.S.- Bela, Block- Parihar, District- Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Asif Kalim, Advocate
For the Respondent/s	:	Mr.Subhash Chandra Mishra, SC-16
For the Madarsa Board	:	Mr.Shahzad Hassan Khan, Advocate
		Mr.Aslam Ansari, Advocate
		Mr.Anis Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner, learned counsel for the Bihar State Madarsa Education Board, Patna and learned counsel for the State.

Petitioner, in this case, is seeking a direction to the respondent Madarsa Board to consider and dispose of his representation with regard to the affairs of the Madarsa Khawaja Garib Nawaj Chandi (Madarsa No. 752). Petitioner also prays for conducting an enquiry and thereafter to de-affiliate the said



Madarsa from the Madarsa Education Board.

Learned counsel for the petitioner submits that vide a sale deed dated 28.11.2012 a piece of land measuring area 23 decimal under Khata No. 48 and Khesra No. 982 was purchased in village Chandi. The purchaser is Madarsa Khawaza Garib Nawaz through this petitioner. It is submitted that with the donation of the people the Madarsa was established and the same is running with few rooms.

The grievance of the petitioner is that while the Madarsa established by the local people has not applied for affiliation from the Madarsa Education Board and is not taking grant from the State of Bihar, the private respondent namely, Md. Owasish without having any consultation with the petitioner and other respected people of the localities created a trust/managing committee with the persons who were having no concern with the Madarsa in question in the name of Khawaja Garib Nawaz. On the basis of an application submitted by the said private respondent the Madarsa Education Board has granted affiliation to Madarsa Khawaja Garib Nawaz as Madarsa No. 752.

It is the case of the petitioner that from the information received under the Right to Information Act the



private respondent has for purpose of getting affiliation shown to the Madarsa Education Board that this Madarsa has six classrooms, one office, Toilet (Boys)-1, Toilet (Girls)-1 and further it has been misrepresented that there are six teaching staffs as also that there are sufficient number of students in the classes. The petitioner claims that the fact is that the Madarsa in question did not have any such teaching staff as informed to the Madarsa Education Board and it lacks infrastructure as well. It is submitted that without having any physical inspection of the Madarsa, affiliation has been granted by the Madarsa Education Board.

Learned counsel for the Madarsa Education Board has submitted that this petitioner has no *locus standi* to maintain this writ application, however, from the copy of the sale deed which has been produced in course of hearing of the writ application, the petitioner has shown that the land in question was purchased in the name of Madarsa through this petitioner, therefore, this Court cannot throw out this writ application on the ground of *locus standi*. Moreover, this Court finds that there are some serious allegations saying that the Board has granted affiliation to the Madarsa at the instance of private respondent no. 9 without conducting a physical verification and the



Madarsa does not have either infrastructure or teaching faculties as claimed by the private respondent.

In the given facts and circumstances, at this stage, without going into the merit of the allegations, this Court deems it just and proper to direct the Madarsa Education Board (respondent no. 2) and it's authorities as also the Special Director, Department of Education, Government of Bihar (respondent no. 5) to look into the representation of the petitioner, verify the allegations made therein and take an appropriate decision in accordance with law after hearing both the parties within a period of three months from the date of receipt/production of a copy of this order. For the present, this Court has not formed any opinion on the allegations made in the representation.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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