

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.334 of 2017

Nur Alam, Son of Late Baharuddin, Resident of Village- Baratawari, Police Station- Azam Nagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. The Block Education Officer, Azamnagar, Katihar.
6. Md. Manauwar Alam, Son of not known to the petitioner, President, Madarsa Qurania Hadiul Muslemin, at Baratabari, Daulatpur, Post Office, Sitamani, District- Katihar.
7. Md. Qutub Alam Son of Late Daud Ali, Resident of Village- Baratabari, Post Office and Police Station- Azamnagar, District- Katihar, Secretary, Qurania Hadiul Muslemin, At Baratabari Daulatpur, Post Office- Sitamani, District- Katihar.
8. Md. Jasiruddin, Son of Not Known to the petitioner, Head Maulvi, Madarsa Qurania Hadiul Muslemin, At Baratabari Daulatpur, Post Office- Sitamani, District- Katihar.
9. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna- 800001.
10. The Secretary, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2023

The writ petition was filed in the year 2017
mainly seeking for appropriate steps for the constitution of the



Managing Committee of Madarsa Qurainia Haduiul Muslemin at Baratabari, Daulatpur, P.O.- Sitamani, District-Katihar (Madara No. 1151). There was also an ancillary prayer to enquire into the illegal activities in the aforesaid Madarsa, which is being run by the 'so called office bearers'(sic). There was also a prayer made against the illegal appointments made by the office bearers and the Head Maulvi; which were said to be appointments of their own relatives. It was further prayed for recovery of the illegal payments of salary to the newly appointed teachers, without extracting any work.

2. At the outset, we have to notice that except for the President of the Madarsa and the Head Maulvi, none others are impleaded in the writ petition in their personal capacity. Despite allegations being raised against them and an enquiry sought against their conduct; neither the office bearers nor the appointees who are said to be the relatives of the office bearers are impleaded in the writ petition.

3. The averments in the writ petition indicate the affairs of the Madarsa being not conducted properly and representations having been made to the Block Education Officer, Azamnagar to make necessary enquiry into the matter. It was also alleged that the approval of the Managing Committee



was obtained by playing a fraud on the department and also the local public; by projecting an election in a public meeting which was never held. There were representations galore, said to have been made to the Chairman of the Madarsa Board, by the petitioner and other villagers, seeking an enquiry into the arbitrary actions of the Head Maulvi, which was never responded to.

4. The Bihar State Madarsa Education Board, Patna filed an affidavit dated 20.08.2018 through its Assistant Secretary, specifically pointing out the provisions of the Bihar State Madarsa Education Board Act, 1981 (for brevity the 'Act of 1981'). It was stated that the Madarsa Board had conducted an enquiry into the genuineness of the resolution and approved the Committee. The local residents could definitely dissolve the elected committee by constituting a new Committee, which has not been done. The petitioner too had not taken any steps towards constitution of a new Committee. There was also a provision for filing an appeal before the State Government from the decisions of the Madarsa Board relating to the approval of a Committee; which provision also was not availed of by the petitioner. Despite these averments, it was also pointed out that on 19.02.2018, an enquiry was directed by the District



Programme Officer (Establishment), Katihar to report as to whether the Committee has the confidence of the majority of the local residents; which resulted in the affirmative action.

5. The Head Maulvi, the Respondent No. 8 had also filed counter affidavit dated 03.12.2018 refuting the averments made by the petitioner. It was pointed out that an earlier litigation for similar reliefs against the Managing Committee of Madarsa Deenul Islam, Haripur Tola, District-Katihar, was dismissed and the petitioner relegated to the remedy of a civil suit to resolve the disputed questions of facts, which judgment is produced at Annexure-A. It is also asserted that the Managing Committee was appointed and approved by the Bihar State Madarsa Education Board, after a spot enquiry to ascertain the genuineness of the constitution of the Managing Committee and the Managing Committee enjoys the full confidence and support of the people of the locality.

6. We are convinced that there is no reason to keep the matter pending. It is also pointed out by the Government Advocate that as of now the Government of Bihar has promulgated the Bihar State Non-Government Recognized Aided Madarsa Managing Committee Constitution Rules, 2022 under the Act of 1981. Considering the averments in the writ



petition to be irrelevant and unsustainable, the assertions made on counter affidavit, the passage of time and the promulgation of Rules of 2022, we find absolutely no reason to keep the matter pending. The writ petition is found to be without any merit and is dismissed. The parties are left to suffer their costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.08.2023
Transmission Date	

