

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.196 of 2016

In

Civil Writ Jurisdiction Case No.229 of 2014

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Noor Ahmad Qaisar, S/o Late Abdul Majeed, R/o Village - Mahsangaon, P.S.-
Kochadhaman, District- Kishanganj, Secretary Madarsa Usmania Madarsa
No.401, AFF, Mohasan Gaon, P.S. Kuchadhaman, District- Kishanganj.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Special Director, Secondary Education Department, Government of
Bihar, Patna.
4. The Collector, Kishanganj.
5. The District Education Officer, Kishanganj.
6. The Block Education Officer, Kochadhaman, District- Kishanganj.
7. The Chairman Bihar State Madarsa Education Board, 5- Vidyapati Marg,
Patna.
8. The Secretary Bihar State Madarsa Education Board, 5- Vidyapati Marg,
Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijay Shankar Choubey, Advocate

For the Respondent/s : Ms. Kumari Amrita, GP-10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-09-2023



The appellant is before this Court claiming that he is the Secretary of a Madarsa and that the erstwhile Secretary, his late father, had appointed certain persons as teachers, whose appointment should be approved and payment of salary or grants-in-aid be made by the Government.

2. It is admitted that there is a dispute with respect to the Committee itself, which is governing the Madarsa as of now. The appellant though styles himself as the Secretary, the competent authority has approved another Committee which is in-charge of the Madarsa. The writ petition itself states that someone has taken the board of the Madarsa and put it up at another location. The dispute is raised insofar as the appointment of another Committee, which has to be agitated before a Civil Court. In fact, when we went through the reliefs prayed for, it is only for the purpose of approval and payment of salary to the teachers. Even if the order approving the other Committee is challenged, it has to be noticed that the other Committee is not made a party here.

3. In any event, the claim made for the teachers cannot be sustained by the Secretary of the Madarsa when the teachers themselves have a cause of action, especially when the appellant's claim to the post of Secretary itself is in doubt. We



agree with the learned Single Judge that there are disputed questions of fact and that the appellant does not have the *locus standi* to claim the reliefs prayed for in the writ petition.

4. The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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