

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8338 of 2023

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Aijaj Ahmad Son of Late Abdul Hakim, Resident of Village- Duho Suho, Ward No-16, PO- Pkararia, P.S.- Chauradano, District- East Champaran, Secretaray of Madarsa Ajajul Uloom, Duho Suho. (Madarsa No- 609/314) East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Bihar State Madarsa Education Board, Patna.
3. The Chairman, The Bihar State Madarsa Education Board, Patna.
4. The Secretary, The Bihar State Madarsa Education Board, Patna.
5. The District Magistrate, East Champaran at Motihari.
6. The District Education Officer, East Champaran, Motihari.
7. The Block Education Officer, Block Chauradano, District- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Asif Kalim, Advocate
For the State	:	Mr.Madhaw Pd. Yadaw, GP-23
		Mr. Arvind Kumar, AC to GP-23
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Mr. Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Madarsa Education Board (hereinafter referred to as the ‘Board’).

Petitioner in the present case is seeking the following reliefs:-

“[A] For issuance of an appropriate writ, order or direction for setting aside the Memo No-128 dated 15.03.2023 issued by the Secretary, Bihar Madarsa Education Board, Patna to the Block Education Officer, Chauradano, District-East Champaran,



where by and where under the respondent Block Education Officer, Chauradano is directed to counter sign over the salary voucher of the teacher of the Madarsa Ajajul Uloom, Duho Suho. Whereas petitioner is the validly appointed secretary of the said Madarsa vide Memo No-132 dated 07.01.2020.

[B] For issuance of an appropriate writ, order or direction to the Respondent Block Education Officer, Chauradano not to sign over the salary voucher of the teachers since the petitioner being secretary has already filed complaint case against the working teacher and leveled allegation of corruption, theft of article of Madarsa Property.

[C] For any other relief and reliefs for which the petitioner is entitled in the opinion of this Hon'ble High Court."

Learned counsel for the petitioner submits that the petitioner being secretary of the managing committee of the Madarsa is managing all the external and internal affairs of the Madarsa without any hindrance. It is submitted that the secretary of the Board has issued memo no.128 dated 15.03.2023 by which a direction has been issued to the Block Education officer, Chauradano, District-East Champaran to countersign over the salary voucher of the teachers of the Madarsa.

It is submitted that the issuance of order impugned is a result of the hindrance which is being created by the Head Maulvi to take over the control of the Madarsa.

On the other hand, Mr. Khan, learned counsel for the



Board submits that an enquiry has been constituted by the order of the Hon'ble Division Bench of this Court in CWJC No.20406/2018 (Md. Alauddin Bismil Vs. the State of Bihar and others). It was informed that on the basis of forged communication certain educational institutions falling within the ambit and scope of Section 2(c) of the Bihar State Madarsa Education Board Act, 1981 were granted financial aid in terms of the Government's Resolution No.1090 dated 29.11.1980.

It is further submitted that a three member enquiry committee has been constituted by the Department of Education and the enquiry is going on in respect of the existence of at least 2459 educational institutions which are registered under the Madarsa Act. It is further informed that out of those institutions registered under the Madarsa Act, 609 Madarsas were getting government aid, thus, this petitioner being one of the institutions under 609 Madarsas is under scanner and the committee is enquiring into the existence and other issues relating to this institution. Reference has been made to a recent order of the Hon'ble Division Bench passed on 24.01.2023 by which several directions have been issued, one of them is that “ 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.” Taking note of the aforesaid direction of the Hon’ble Division Bench, the Department of Education, Government of Bihar has come out with letter no.1027 dated 28.06.2023 whereunder it has been pointed out that shortcomings have been found in respect of at least 123 Madaras which have been enquired into by the high power committee. The name of this petitioner’s institution is at serial no.120 in this letter.

Having regard to the aforementioned facts and circumstances, the material showing that pursuant to the order of the Hon’ble Division Bench of this Court the enquiry is being held in the matter of grant-in-aid of the Madaras and the petitioner’s institution is one of them, this Court finds no reason to interfere with the impugned orders and communications.

This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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