

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8615 of 2020

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Md. Sohail Son of Md. Sabir Alam Resident of Village- Koriya Raipur, P.S.-
Sitamarhi, District- Sitamarhi- 843326.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Special Director, Secondary Education-cum-Additional Secretary, Education Department, Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The District Education Officer, Sitamarhi.
6. The Chairman, Bihar State Madarsa Education Board, Patna.
7. The Secretary, Bihar State Madarsa Education Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur
For the State	:	Mr. Subhash Chandra Mishra, SC 16
For the Madarsa Board	:	Mr. Aslam Ansari, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

10 25-01-2023 1. The petitioner by way of this writ petition has prayed as
under:

“(I) For issuance of writ in the appropriate nature for quashing of the Letter No. 2355 dated 22.7.2020 issued under the signature of the Secretary, Bihar State Madarsa Education Board, Patna whereby a letter has been issued to the District Education Officer to withhold the salary of the petitioner including the teaching staffs of 88 Madarsa situated in the district of Sitamarhi as no detail statement of fact has been made available to file counter affidavit in CWJC No. 20406/2018.



(II) For further direction to the Respondents authority concern to pay salary to the petitioner as long affiliation of the Madarsa has not finally withdrawn or till the services of the petitioner is not being restrained.

(III) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

2. It is with respect to Madrasa situated at Sitamarhi. This court in **C.W.J.C. No. 20406/18**. The Division Bench of this Court vide its order dated 24.01.2023 has taken note of a report relating to Madarsa institution confined to District Sitamarhi wherein grant in aid was released by the Government on basis of a forged letter. It has been noticed that further inquiry has been directed to be conducted by a three member committee and the Division Bench has passed 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.”

3. Keeping in view the aforesaid directions, the prayer made by the petitioner for releasing of his salary by the State Government by way of grant, can only be examined after the



aforesaid report is submitted and completion of the inquiry. The respondents on the basis of the inquiry report shall take steps with regard to the claim of the petitioner.

4. The writ petition stands disposed of with aforesaid observation.

(Sanjeev Prakash Sharma, J)

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Item No. 1

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