

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10752 of 2023

Shahabuddin Son of Late Sk. Alauddin @ Alauddin Resident of Village -
Mathour, Police Station- Kasba, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The Bihar State Madarsa Board, Vidyapati Marg, Patna through its Chairman.
4. Abdus Salam Ansari, the Deputy Director, Secondary Education, Department of Education, Govt. of Bihar, Patna cum the In-Charge Chairman of Bihar State Madarsa Education Board, Patna.
5. The Joint Secretary, Education Department, Bihar, Patna.
6. The Secretary Bihar State Madarsa Education Board, Patna.
7. The District Education Officer, Purnea.
8. The Head Moulvi of Madarsa Asharafia, Mathaur, Kasba, Purnea, (Madarsa No. 318).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Helal Ahmad, Advocate
For the State	:	Mr.Prabhakar Jha, GP-27
For Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-08-2023 At the outset, Mr. Helal Ahmad, learned counsel for the petitioner seeks permission to delete paragraph 1(ii) of the writ application.

2. There is no objection to the same.

3. Permission is granted. Let the prayer made in paragraph 1(ii) of the writ application be deleted. As a result of this, the prayer made in paragraph 1(iii) (iv)(v) and (vi) shall be re-numbered.



4. Learned counsel will do it in course of the day.

5. 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').

6. Petitioner in the present case is seeking quashing of the communication as contained in letter no.229 dated 24.03.2023 (Annexure- 'P-1') whereby and whereunder the Pradhan Maulvi/Secretary of the Madarsa has been called upon by the Secretary of the Board to constitute a managing committee in accordance with Bihar State Non-Government Recognized Aided Madarsa Managing Committee Constitution Rule, 2022 (hereinafter referred to as the 'Rule of 2022') and submit the documents for approval.

7. Learned counsel for the petitioner submits that earlier vide an order contained in memo no.4670-74 dated 25.05.2019, the Chairman of the Board had given approval of a managing committee. The order of the Chairman of the Board is Annexure- 'P-3' to the writ application. The said order was challenged before this Court by one Md. Abbas in CWJC No.15740 of 2019.

8. It is stated that vide order dated 02.08.2019, this



Court while issuing notice to respondent nos.8 to 15 in the said writ application directed to list the case after service of notice on 02.09.2019. This Court passed an interim order directing that “In the meantime, status quo as existing today shall be maintained.”

9. Learned counsel submits that the said writ application is still pending in this Court, however, it is not disputed that the tenure of the managing committee being statutory in nature and it is only three years, the managing committee constituted vide Annexure- ‘3’ has already functioned for three years and thereby lived its life.

10. The grievance of the petitioner who claims himself Secretary of the Madarsa is that so long as the order of status quo is operating in CWJC No.15740 of 2019, the Board would not be justified in calling upon the Madarsa to constitute a committee in accordance with the Rule of 2022 and submit the documents.

11. Learned counsel for the Board submits that the order dated 02.08.2019 cannot be interpreted so as to mean and understand that this Court has restrained the Board from acting in accordance with law. It is submitted that during pendency of the said writ application, the Rule of 2022 has come into force



and a managing committee is to be constituted in accordance with the said Rule. It is further submitted that in any case Annexure- '3' has already remained in force for three years and the managing committee constituted thereunder has lived its life and the tenure of the said managing committee has come to an end on 24.5.2022.

12. Having heard learned counsel for the petitioner and the Board as also the State, this Court is of the considered opinion that the interim order of status quo granted by this Court on 02.08.2019 in CWJC No.15740 of 2019 cannot be interpreted in a manner as suggested by learned counsel for the petitioner. The status quo as regards the managing committee whosoever was there cannot be extended to a period beyond the statutory period of three years. Any such interpretation would not be in consonance with the spirit of the order. Such submission would also not be a bonafide submission.

13. This Court, therefore, finds no merit in the present writ application. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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