

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18224 of 2019

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The Managing Committee of the Madrasa Darul Hoda Sikrona, P.S. Kadwa,
District- Katihar Madrasa No. 646, through its President Dr. A Ali, Son of late
Riyajuddin at Present Resident of Village and P.S. Shalmari District- Katihar.
... .. Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary Education Department Govt. of Bihar, Patna.
4. The Special Director, Secondary Education, Govt. of Bihar, Patna.
5. The District Education Officer, Katihar, District- Katihar.
6. The Bihar State Madrasa Education Board, Patna through its Secretary,
7. The Chairman, Bihar State Madrasa Education Board, Patna.
8. The Secretary, Bihar State Madrasa Education Board, Patna.
9. Mr. Abdul Qaiym Ansari, The Chairman, Bihar State Madrasa Education Board, Patna, 6 to 9 are 5- Vidyapati Marg, P.S. Kotwali District- Patna.
10. Managing Committee of the Madrasa Darul Hoda, Sikrona P.S. Kadwa, District- Katihar, through its Secretary Moulana Jamil Ahmad Son of Abdul Qaiyum, Resident of Village- Sikrona, P.S. Kadwa, District- Katihar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Md. Rashid Alam, Advocate
For the State	:	Mr.Kameshwar Kumar (GP-17)
		Mr.Arbind Kumar, AC to GP-17
For the Madrasa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Mr.Md.Aslam Ansari, Advocate
For Respondent No. 10	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner, learned

counsel for the Madrasa Education Board (hereinafter referred

to as the 'Board'), learned counsel for Respondent No. 10 and

learned counsel for the State.

2. This writ application has been filed questioning the

order passed by respondent- Chairman as contained in letter no.



7267-74 dated 03.08.2019 whereby and whereunder he withdrew the letter No. 6373- 76 dated 09.07.2019 and granted approval to the respondent Managing Committee (Respondent No. 10) which the petitioner claims to be non-existent.

3. It appears from the order dated 04.09.2019 passed by this Court that while directing the respondents to file a counter affidavit, this Court directed the parties to maintain status quo as of the said date. It is, therefore, evident that there was no stay of the order dated 03.08.2019 (Annexure '1') which was impugned in the writ application.

4. Learned counsel for the Board submits that by virtue of the order of status quo, the impugned order as contained in Annexure '1' remained in force and the respondent-Managing Committee continued to function.

5. At this stage, the submission is that by efflux of time, the complete tenure of three years of the Managing Committee has expired and the dispute relating to the existence of the two Managing Committees is pending consideration before the Board.

6. It is submitted that today itself this Court has in CWJC No. 4125 of 2023 issued direction to the Board to take an appropriate decision in the matter within a reasonable period.



7. Thus, according to learned counsel for the Board, this writ application has become infructuous.

8. The aforementioned submission of learned counsel for the Board has been contested by the learned counsel for the petitioner. It is submitted that the order as contained in Annexure '1' to the writ application was passed by the Chairman of the Board in anticipation of approval from the Board. It is submitted that the Board held its meeting on 14.10.2019, a copy of the said resolution has been placed before this Court, however, learned counsel for the petitioner is unable to demonstrate from the said resolution that the decision of the Chairman of the Board as contained in Annexure '1' to the writ application was specifically considered by the Board in the said meeting.

9. Having heard learned counsel for the petitioner, learned counsel for the Board and the respondent- Managing Committee as also keeping in view the order passed by this Court today in CWJC No. 4125 of 2023, this Court is of the considered opinion that at this stage, nothing remains to be adjudicated by this Court in the present writ application. The dispute as to existence of the two Managing Committees is under consideration before the Board and the Board has referred



the matter to the District Education Officer (D.E.O.) for conducting an examination after spot verification. The matter relating to suspension and dismissal of the teachers of the Madrasa is also under consideration before the appellate authority. These facts have been taken note of by this Court in CWJC No. 4125 of 2023.

10. In these circumstance, without recording any view of its own, this Court leaves it open to the Board to take an appropriate decision. If it is found that a new Managing Committee is to be constituted because of the expiry of three years statutory period which is the life of a the Managing Committee, the same will also be considered by the Board and an appropriate direction be issued in that regard. All contentions are left open to the parties.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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