

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15435 of 2024

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Nawab Hussain Son of Late Abdur Rahman, Resident of Mohalla-Kagzi, P.S.-
Biharsharif Town, District-Nalanda at Biharsharif. Petitioner/s

Versus

1. The State of Bihar through Secretary, Minority Welfare Department, Government of Bihar, Main/Old Secretariat, Patna-800015.
2. The Secretary, Minority Welfare Department, Government of Bihar, Main/Old Secretariat, Patna-800015.
3. The Bihar State Sunni Waqf Board, Bihar Patna through its Chief Executive Officer, Haj Bhawan, 34-Ali Imam Path, Harding Road, District-Patna.
4. The Chief Executive Officer, Bihar State Sunni Waqf Board, Haj Bhawan, 34-Ali Imam Path, Harding Road, District-Patna.
5. The Sub Divisional Officer, Nalanda, Nalanda Collectorate, Nalanda at Biharsharif.
6. The District Waqf Nodal Officer, Nalanda Collectorate, Nalanda at Biharsharif.
7. The President, Soghra School, Biharsharif cum Sub Divisional Officer, Nalanda, Nalanda Collectorate, Nalanda at Biharsharif.
8. Soghra School (a Waqf Institution under Soghra Wats Estate Biharsharif) through the Principal of Soghra School, Mohalla-Pakki Talab (Ranchi Road-Gagan Diwan), P.S.-Biharsharif Town, District-Nalanda at Biharsharif.
9. The Principal, Soghra School (a Waqf Institution under Soghra Waqf Estate, Biharsharif) Mohalla-Pakki Talab (Ranchi Road-Gagan Diwan), P.S.-Biharsharif Town, District-Nalanda at Biharsharif.
10. The Muttawalli, Soghra Waqf Estate, Office at Mohalla-Laheri, Biharsharif Town, P.S.-Laheri, District-Nalanda at Biharsharif.
11. Sultan Ansari, presently nominated President, Soghra School, Biharsharif cum Sub Divisional Officer, Nalanda, Nalanda Collectorate, Nalanda at Biharsharif.
12. Syed Shah Saifuddin Firdausi, Member, Bihar State Sunni Waqf Board, Haj Bhawan, 34-Ali Imam Path, Harding Road, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Adil Abbas, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, SC (3)
Mr. Bipin Kumar, Act to SC-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-10-2024 Heard Mr. Rashid Izhar, learned counsel for the

petitioner duly assisted by Adil Abbas, learned counsel for the

petitioner as also Md. Helal Ahmad representing the



respondents beside the State.

2. The present writ petition has been preferred for the following relief(s):

(i) issuance of Writ or Writs in the nature of certiorari Quashing the order dated 28.08.2022 part (ख) of the Order / Resolution of the Soghra Waqf Estate whereby contrary to the mandate of the Bye-laws/Constitution of the Sogra School for the establishment and management of the Soghra School which is at the whim and in contravention of the procedure established under law;

(ii) issuance of Writ or Writs in the nature of Certiorari letter dated 05.06.2022 whereby it is informed that the Committee of the School is formed by the Nomination of the so-called President of the Soghra Waqf Estate against the mandate of the



*Constitution of the Soghra Waqf
Higher Secondary School/Bye-laws
of the School;*

*(iii) issuance of suitable writ for
setting aside the Constitution of the
Managing Committee of the Soghra
Waqf Higher Secondary School and
holding that all the acts and
functions of the present Newly
Constituted Managing Committee of
the Soghra Waqf High Secondary
School is a nullity and will be the
person financial responsibility of the
Respondent No. 5 and 10;*

*(iv) issuance of Writ or Writs in the
nature of Mandamus commanding
the Respondents to maintain status
quo upon the appointment of
Assistant Teachers in the Soghra
High School / Inter School, Bihar
Sharif;*

(v) issuance of Writ or Writs in the



nature of mandamus commanding the Respondent Board to prohibit the Respondent No. 10 from functioning as the President of Soghra College (a unit of Soghra Waqf Estate No. 2, Biharsharif);

(vi) issuance of Writ or Writs in the nature of mandamus alternatively commanding the Learned Chairman of the Bihar State Waqf Tribunal, Patna to dispose the Misc Case No. 19 of 2023 on day to day basis, within time bound manner as the matter involves the public interest at large and the Respondents are working against the interest of the Waqf Estate No. 02/ Biharsharif under the shielding of the Respondent Board;

(vii) grant any other relief or reliefs to which the Petitioners may be found entitled to in the facts and



circumstances of this case.

3. Learned counsel for the petitioner submits that Misc. Case No. 19 of 2023 is continuing since long without being taken to its logical conclusion.

4. As such, after some argument, learned counsel wants early disposal of Misc. Case no. 19 of 2023 pending before the Bihar State Waqf Tribunal, Patna.

5. He however, concede that recently the post of the Chairman of the Tribunal has become vacant and it will suffice if a direction is given that the same is taken up and dispose of once the new Chairman comes in.

6. Appreciating the stand of all the parties, the writ petition stands disposed of with a direction to the Bihar State Waqf Tribunal, Patna to take up the Waqf Appeal No. 19 of 2023 within three weeks from the date new Chairman assumes office and the same shall be taken to its logical conclusions maximum within four months from the date of first hearing, if possible, preferably on day to day basis.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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