

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21858 of 2019

Md. Sayeedur Rahman S/o Late Abdul Jalil Resident of Village- Pupri, P.s.- Pupri, Distt.- Sitamarhi, as presently designated post of Secretary, Madrasa Ghausia Anwarul Banat at Rajbagh Pupri, P.o.- Janakpur Road, Distt.- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. The Joint Secretary Education Department, Bihar, Patna
3. The Secretary the Bihar State Madarsa Education Board, Bihar, Patna
4. The Deputy Secretary Education Department, Bihar, Patna
5. The Deputy Secretary Govt. of Bihar, Patna
6. The Chairman the Bihar State Madarsa Education Board, Bihar, Patna
7. The District Magistrate Sitamarhi
8. The District Education Officer Sitamarhi
9. The District Programme Officer Establishment, Sitamarhi
10. The Block Education Officer Pupri
11. The Block Education Officer Pupri
12. Md. Nausad S/o Md. Bashi Resident of Village- Kebalpur, P.o.- Bachharpur, P.s.- Pupri, District- Sitamarhi
13. Md. Samsad Guljar S/o Md. Bashi Resident of Village- Kebalpur, P.o.- Bachharpur, P.s.- Pupri, District- Sitamarhi
14. Ashraf Ali S/o Ali Ahmad Resident of Village- Sirakpur, P.o. and P.s.- Pupri, District- Sitamarhi as presently designated post of Secretary, Madarsa Ghausia Anwarul Banat at Rajbagh, Bachharpur/Bakarpur, Pupri, P.o.- Janakpur Road, Dist.- Sitamarhi, Bihar

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Devendra Kumar
For the State	:	Mr. Madanjeet Kumar (Gp20)
For the Madarsa Board	:	Mr. Shahzad Hassan Khan
		Mr. Aslam Aasavi
For the Respondent no.12:		Mr. Helal Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-07-2024 Heard learned counsel for the petitioner, learned
counsel for the State, learned counsel for Madarsa Board and



learned counsel for the respondent no. 12.

2. The present writ petition has been filed seeking the following reliefs:

“For issuance of writ/writs, order/ orders/ direction/ directions in nature of mandamus and directing and commanding the respondent authorities to quash the Memo no. 10/Mu.-107/2018 (Ansh) 979, Patna dt. 28.08.2019 issued by Deputy Secretary govt of Bihar: whereby and whereunder Govt. of Bihar has taken a departmental decision after inquiry in Sankalp No.670 dt. 07.09.2015. It appears 609 Madrasa (In which 590 Wastaniya and 19 Foquania Madarsa) have taken to give stipend/Fund for Teaching /Non teaching Staffs in which 15th Madarsa name wrongly typed which may corrected vide memo no.10/V1-21/2013, 33(New) issued by Deputy Secretary Education Department Bihar; Patna vide 11.11.2016. The name of Madarsa would be corrected at Sl.no.7 Madrasa Ghausia Anwarul Banat at Rajbagh Pupri, Po-Janakpur Road, Distti-Sitamarhi. whereas the Secretary, Madrasa Ghausia Anwarul Banat at Rajbagh Pupri, Po-Janakpur Road, Distti-Sitamarhi has been prepared Salary/payment/Fund and have sent to the respondents concern of the demand bill of salary of Madrasa Teaching/Non teaching Staff which was accepted by the Distt. Programe officer; Sitamarhi but now salary/payment was not made till today. And any other relief/reliefs petitioner is found to be entitled in the eye of law.”

3. There is dispute between the parties regarding the Madarsa, such issue cannot be decided in a summary proceeding but a proper adjudication would be required to be made after taking oral and documentary evidence as to the true identity of the persons who are real and who are fake with regard to the Madarsa in question.

4. Keeping the above in mind, the Court grants



indulgence to the petitioner to file a suit and get an appropriate declaration in this regard. This Court or the Madarsa Board cannot decide such issue in the given circumstances.

5. Accordingly, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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