

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18182 of 2023

Reyaj Ahmad Son of Mumtaj Ahmad, R/o Village- Sirisiya Bazaar, PS
Kuchaikot, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The D.C.L.R., Gopalganj.
4. The District Education Officer, Gopalganj.
5. The Block Education Officer, Kuchaikot Block, District- Gopalganj.
6. The Circle Officer, Kuchaikot, District- Gopalganj.
7. The Officer-in-Charge, Kuchaikot, Police Station, District- Gopalganj.
8. Bihar State Madrasa Education Board, through its Chairman, Apex Tower, Harun Nagar Sector-2, Phulwari Sharif, Patna.
9. The Chairman, Bihar State Madrasa Education Board, Apex Tower, Harun Nagar Sector-2, Phulwari Sharif, Patna.
10. Madrasa Faiz-E-Rasool, Sirisiya Bazar, through Head Maulvi (Incharge), Anish Ahmad, R/o Village Sirisiya Bazar, P.S.- Kuchaikot, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Advocate
For the Respondent/s	:	Mr.USS Singh, GP-19
For Madarsa Board	:	Mr.Shahzad Hassan Khan
		Mr.Md.Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-06-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of writ/writs, order/orders or direction/directions in the nature of mandamus directing the respondent authorities of the Education Department to conduct an enquiry in the matter of fraud committed by the



Madrasa Faiz-E-Rasool (respondent no. 10) at the time of taking affiliation and document relating to land produced by Madrasa, getting aid from the Education department, Govt. of Bihar, Patna and running illegal Madrasa without any valid document.

(ii) For issuance of writ/writs, order/orders or direction/directions in the nature of mandamus directing the respondent authorities particularly respondent no. 8 to 10 to produce the affiliation certificate/registration document with respect to Madrasa Faiz-E-Rasool, Sirisiya Bazar bearing registration no. 1137 as the Head Maulvi of the Madrasa namely Anish Ahmad in the garb of Madrasa is forcibly encroaching the land of the petitioner bearing Khata No. 5 Khesra No. 1989 Thana No. 803, an area 1Kattha 15 dhur situated at Mauza Sirisiya Bazar, Gram Panchayat Raj Sirisiya under Kuchaikot Circle in the District of Gopalganj and not providing/showing any document relating to Madrasa.

(iii) For issuance of writ/writs, order/orders or direction/directions in the nature of Mandamus directing the respondent authorities particularly respondent no. 6 the Circle Officer, Kuchaikot and respondent no. 7 the S.H.O., Kuchaikot Police Station to remove encroachment encroached by respondent no. 10 Madrasa Faiz-E-Rasool from the land of the



petitioner bearing Khata No. 5 Khesra No. 1989 Thana no. 803, area 1 Kattha 15 dhur situated at Mauza Sirisiya Bazar, Gram Panchayat Raj Sirisiya and to take appropriate action against Head Maulvi namely Anish Ahmad of Madrasa Faiz-E-Rasool.

(iv) For issuance of writ/writs, order/orders or direction/directions in the nature of Mandamus directing the respondent authorities to conduct an enquiry in the illegal functioning of Madrasa Faiz-E- Rasool, Sirisiya Bazar and to take appropriate action against the Madrasa which is running without any document and getting aid from the state government as no document was produced by the Head Maulvi of Madrsa before the Block Education Officer, Kuchaikot when demanded.”

2. At the outset, the learned counsels for the respondents have produced a copy of the order dated 24.01.2023, passed by the learned Division Bench of this Court in CWJC No.20406 of 2018 (Md. Alauddin Bismil Vs. The State of Bihar and Ors.), whereby and whereunder a direction has been issued to the Additional Chief Secretary, Education Department, Government of Bihar, Patna to hold meeting of Three Member Committee, constituted vide communication dated 17.09.2021 and complete enquiry on an expeditious basis



with regard to the educational institutions falling within the scope of the Bihar State Madrasa Education Board Act, 1981, hence it is submitted that if so advised, the petitioner can also approach the said committee.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Three Member Committee for redressal of his aforesaid grievances. Liberty so sought is granted.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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