

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.699 of 2019**

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Md. Muslim Son of Md. Ibrahim Resident of Bishanpur Tola Kalia, Police Station- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna
3. The Collector, Katihar.
4. The District Education Officer, Katihar.
5. The Chairman, Bihar State Madarsa Education Board, Patna.
6. The Secretary, Bihar State Madarsa Education Board, Patna.
7. Md. Chirag Alam S/o Morsi Jamiruddin Resident of Village- Bishanpur, Kabaiya, P.S. Kadwa, Distt. Katihar.

... .. Respondent/s

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**Appearance :**

|                       |   |                                  |
|-----------------------|---|----------------------------------|
| For the Petitioner/s  | : | Mr.Rajeev Kumar Singh, Adv.      |
| For the State         | : | Mr.Narendra Kumar, AC to G.P. 20 |
| For the Madarsa Board | : | Mr.Shahzad Hassan Khan, Adv.     |
|                       |   | Md.Aslam Ansari, Adv.            |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      09-07-2024              Heard learned counsel for the petitioner and learned counsel for the respondents.

2.      The present writ application has been filed for the following relief/s:-

*“(a) To quash letter no-147 issued by District Education Officer dated 23.03.2012 by which the Madarsa of respondent no.-7 has been declared to be the legitimate Madarsa instead of petitioner’s Madarsa in utter violation of law of the land.*

*(b) To direct the respondent authority to stay the*



*affiliation of the Madarsa from the Bihar State Madarsa Education Board and also to stop the financial aid till the final disposal of the present writ.”*

3. If the grievance in the present writ application is taken into consideration, then obviously such issues 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 or 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. Writ application stands disposed of.

**(Anjani Kumar Sharan, J)**

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