

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5458 of 2020

1. Madarsa Rahamaniya Afzala Supaul, Biraul, Darbhanga Madarsa No 105 through its newly constituted Managing Committee Secretary Md. Ansarul Hak (Male, aged about 49 years), S/o- Late Abdul Kadir Ansari, resident of Village - Afzala Supaul, Geraul, P.s.- Biraul, District- Darbhanga.
2. Abdul Salam, S/o - Abdul Manan, President of the newly constituted Managing Committee, resident of Mohalla - Sheikhpura, Supaul, P.s.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Director, Secondary Education, Government of Bihar, Patna.
5. The Joint Director Secondary Education, Government of Bihar, Patna.
6. The Bihar State Madarsa Education Board Patna through its Chairman.
7. The Chairman Bihar State Madarsa Education Board, Patna.
8. The Secretary Bihar State Madarsa Education Board, Patna.
9. The District Magistrate Darbhanga.
10. The District Education Officer Darbhanga.
11. The District Programme Officer (Establishment) Darbhanga.
12. The Principal Madarsa Rahmania Afzala Supaul, Biraul,, Darbhanga, Madarsa No. 105.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jainandra Kumar
For the State	:	Mr. Ashutosh Ranjan Pandey (Aag15) Mr. S. S. Tiwary, AC to AAG-15
For the Board	:	Mr. Shahzad Hassan Khan Md. Aslam Ansari
For the Respondent-12	:	Md. Obaidur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 4 | 01-05-2025 | 1. Heard learned counsel for the parties concerned. |
| | | 2. The present writ application has been filed for a direction to the Bihar State Madarsa Education Board, Patna, to |



grant approval to newly constituted Managing Committee of the Madarsa Rahamaniya Afzala, Supaul, Biraul, Darbhanga.

3. Learned counsel for the petitioners submits that the petitioner no. 1 was elected as Secretary and the petitioner no. 2 was elected as President of the Managing Committee of the Madarsa having eleven other members on 03.09.2019. The Board vide letter, dated 09.12.2019, rejected the resolution of the petitioners without giving any explanation.

4. Learned counsel for the Bihar State Madarsa Education Board submits that in exercise of the powers conferred under Section 26 of the Bihar State Madrasa Education Act, 1981, the Bihar State Non-Government Recognised Aided Madarsa Managing Committee Constitution Rules, 2022, has been framed. As per the Rule 6 (1) of the aforesaid Rules, 2022, the tenure of approved Managing Committee shall be of three years. The three years tenure from the date of constitution of the Managing Committee, approval for which has not been given by the Board, has now expired.

5. On the other hand, Mr. Obaidur Rahman, learned counsel appearing on behalf of the respondent no. 12-Principal, Madarsa Rahamaniya Afzala Supaul, Biraul, Darbhanga, Madarsa No. 105, submits that much water has flown under the



bridge and since 2019 two Managing Committees were constituted and approved by the Madarsa Board. A new Managing Committee has been constituted recently in 2022-23, after having approval from the Board and it is still functioning.

6. Having heard learned counsel for the parties and taking into consideration the fact that Managing Committee was constituted by the petitioners in the year 2019 and as per Rule 6 (1) of the Rules, 2022, the tenure of the Managing Committee is prescribed as three years, since then two Managing Committees have been constituted and recently, in 2022-23, constitution of new Managing Committee has been approved by the Board which is still functioning, accordingly, I am of the opinion that the present writ application has become infructuous and is dismissed.

7. However, if the petitioners, so advised, may take steps for challenging the constitution and approval of the Managing Committee, which is still functioning, before the appropriate forum.

(Anil Kumar Sinha, J)

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