

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11811 of 2016

Md. Mujammil son of Md. Sami Resident of village - Bherokhara, Darjee Tola, Police Station - Tajpur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Special Director, Secondary Education, Bihar, Patna.
3. The Secretary, Bihar State Madarsa Education Board, Bihar, Patna.
4. The District Programme Officer, Samastipur.
5. The District Education Officer, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Harun Quareshi
For the State	:	Ms Archana Meenakshi, GP 6
		Mr. Prabhat Ranjan, AC to GP 6
For the Madarsa Board	:	Mr. Shaahzad Hassan Khan
		Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 10 25-08-2025 1. Heard learned Counsel for the parties concerned.
2. The petitioner has filed the present writ application for a direction to the respondent authorities to pay the salary of the petitioner from 23.09.2013 till today.
3. Learned Counsel for the petitioner submits that the petitioner was appointed as Hafiz on 27.02.2013 on the vacant post by the Managing Committee of Madarsa Badrul Uloom Bherokhra Darjee Tola Tajpur, in the district of Samastipur, having Madarsa No. 190796, after following the procedures. Since then, the petitioner has been working on the post of Hafiz, but the salary of the



petitioner has not been paid by the respondent authorities.

4. Learned Counsel for the Board, referring to the counter affidavit, submits that the Human Resources Department, Government of Bihar, issued a notification, vide Memo No. 162, dated 15.02.2011, where a policy decision was taken to grant financial assistance to all such 2459 Madarsas, which were affiliated with the Bihar State Madarsa Education Board, Patna, in 1987 after due enquiry and verification of their viability as per Department Resolution No. 1090, dated 29.11.1980, through the District Education Officer of the concerned district.
5. In pursuance thereof, an enquiry report with respect to the present Madarsa was submitted vide Memo No. 688, dated 03.08.2011, stating that the Madarsa, in question, is affiliated up to Wastania standard along with the list of six teachers working therein, in which the name of the petitioner is not there as approved teacher. The present status of the petitioner Madarsa is Madarsa No. 2005/138.
6. In the light of order, dated 24.01.2023, passed by this Court, in CWJC No. 20406 of 2018 (Md. Alauddin Bismil v. The State of Bihar and Others), the Education



Department, Government of Bihar, was required to conduct an enquiry by a three-members High Level Committee, of all 2450 Madarsas (aided and unaided), which are registered under the Madarsa Act, situated in different districts of the State of Bihar, to verify the factual status with details of receipts of grants-in-aid in terms of Resolution No. 1090, dated 29.11.1980.

7. The High-Level Committee constituted at the departmental level has recommended to cancel the recommendation of the 50 Madarsas, including the petitioner Madarsa (serial no. 37). He further submits that the appointment of the petitioner has not been approved by the Madarsa Board.
8. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.
9. The claim of the petitioner is with regard to payment of salary from 23.09.2013 on the ground that the petitioner was appointed by the Managing Committee on the post of Hafiz. The appointment made by the Managing Committee of Madarsa is to be approved by the Madarsa Board. The petitioner has failed to produce any document to show the approval of his appointment by the Madarsa



Board.

10. In view of the facts that the petitioner's appointment has not been approved by the Madarsa Board and the High-Level Committee has recommended for cancellation of the affiliation of the Madarsa, in question, no direction can be given by this Court for payment of salary of the petitioner.

11. Accordingly, I do not find any merit in this writ application.

12. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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