

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11846 of 2025

Md. Minnatullah Son of Late Abdul Khalik, Resident of Village- Ramnagar,
P.S. Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Chairman, Bihar State Madarsa Education Board, Patna.
5. The Secretary, Bihar State Madarsa Education Board, Patna.
6. The Special Director, Secondary Education, Government of Bihar, Patna.
7. The District Education Officer, Darbhanga.
8. The Managing Committee, Madarsa Islahiya, Namnagar, Navtolia, Madarsa No. 107, Block Benipur, District Darbhanga.
9. The President, Managing Committee, Madarsa Islahiya, Namnagar, Navtolia, Madarsa No. 107, Block Benipur, District Darbhanga.
10. The Secretary, Managing Committee, Madarsa Islahiya, Namnagar, Navtolia, Madarsa No. 107, Block Benipur, District Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Shrivastava, Advocate
For the State	:	Mr. Gyan Prakash Ojha, Government Advocate (7)
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Mr. Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2025 Heard Mr. Sanjeev Kumar Shrivastava, learned counsel appearing on behalf of the petitioner; Mr. Gyan Prakash Ojha, learned GA-7 for the State and Mr. Shahzad Hassan Khan, learned counsel for the Bihar State Madarsa Education Board.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is



reproduced hereinafter:

"1. That this writ petition is being filed for issuance of a direction/ order or an appropriate writ/ writs directing the respondent authorities specially respondent no. 8 to dispose off the representation/ application dated 15.01.2025 of the petitioner in which the petitioner was appointed as non teaching post (Peon) on the basis of compassionate ground but the petitioner has already been fulfilled the educational qualification of Maulvi and he also fulfilled the education qualification for appointment of the post i.e. Maulvi, Alim and Fazil."

3. The petitioner is aggrieved that he had filed representation on 15.01.2025 before the Managing Committee, Madarsa Islahiya, Namnagar, Navtolia, Madarsa No. 107, Block Benipur, District- Darbhanga (respondent no. 8) but the same is still pending till date. In support of argument, learned counsel has placed reliance on the Bihar State Madarsa Board Act, 1981, which empowers the State to constitute a Madarsa Board in order to regulate the services of the Madarsa and recent judgment of the Apex Court in the case of ***St. Mary's Education Society and another vs. Rajendra Prasad Bhargava and others*** reported in ***(2023) 4 SCC 498***, particularly, paragraph no. 75.2 of the said judgment that this Court can exercise its power of judicial review to pass prerogative writs.

4. In such circumstances, I find that the Madarsa Board, who have full control over the Managing Committee of the Institution, may consider the representation of the petitioner



dated 15.01.2025 forthwith without delay.

5. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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