

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15742 of 2025

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Md. Fozail, S/o Md. Elyas, R/o Village and P.O. - Chakdariya, P.S. - Lodipur,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Special Secretary, Education Department, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Government of Bihar, Patna.
4. The Bihar State Madarsa Education Board, Apex Tower, Haroon Nagar Colony, Sector- 2, P.S.- Phulwarisharif, District- Patna, through its Secretary.
5. The Chairman, Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony, Sector- 2, P.S.-Phulwarisharif, District - Patna.
6. The Secretary, Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony, Sector- 2, P.S. Phulwarisharif, District- Patna.
7. The District Education Officer, Bhagalpur, District- Bhagalpur.
8. The Block Education Officer, Lodipur, Block and P.S.- Lodipur, District - Bhagalpur.
9. Md. Hasan, S/o Md. Nasimuddin, the Head Maulvi of the Madarsa Islamia Diyanatuloom, At and P.O.- Chakdariya, P.S. - Lodipur, District - Bhagalpur.
10. Md. Saifullah, S/o Md. Nasimuddin, R/o Village and P.O. Chakdariya, P.S.- Lodipur, District- Bhagalpur.
11. Jamaluddin, S/o Sayeed, R/o Village and P.O.- Chakdariya, P.S.- Lodipur, District - Bhagalpur.
12. Md. Nasimuddin, S/o Haji Ismail, R/o Village and P.O. - Chakdariya, P.S. - Lodipur, District - Bhagalpur.
13. Md. Wasimuddin, S/o Haj Ismail, R/o Village and P.O.- Chakdariya, P.S. - Lodipur, District - Bhagalpur.
14. Md. Ilyas, S/o Late Md. Ishaque, R/o Village and P.O. - Chakdariya, P.S.- Lodipur, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
For the Respondent/s : Mr. Government Pleader 20

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 27-11-2025

Heard the parties.

2. The petitioner is aggrieved with the order as



contained in Memo No. 30 dated 15.07.2025 passed by the Director, Mass Education-cum-Special Secretary-cum-Appellate Authority, Education Department, Bihar, Patna whereby the order contained in Memo No. 2076 dated 15.12.2023 passed by the Chairman, Bihar State Madarsa Education Board by which the Managing Committee of Madarsa Islamia Diyanatuloom (Madarsa No.- 797) formed with the consent of the parties and approved by the Madarsa Board, has been set-aside.

3. Learned Advocate for the petitioner submitted that the Madarsa in question was established by Md. Ishaque, grandfather of the petitioner by creating a waqf of his land and he was appointed Mutawali of the said waqf land and was elected as Chairman of Madarsa situated on the waqf land. It is further submitted that Md. Ishaque and Md. Ismail were own brother and Md. Ilyas is the father of the petitioner. A genealogical table has also been placed on record. Since the father of the petitioner on account of his old age and ailment, under the pressure of the step brother of the petitioner, came into connivance of private respondent nos. 9, 10, 12 and 13 and illegally appointed respondent no. 9 as Head Maulvi and thereafter the entire mismanagement was started in the Madarsa.

4. The dispute has later on resolved by forming a new



Managing Committee of Madarsa and the petitioner was elected as the Secretary of the Committee. The petitioner submitted his application for granting approval of the Managing Committee; later on he came to know that two other persons have also made adverse claim on behalf of two different Managing Committee of the same Madarsa. While the matter was under consideration before the Madarsa Board, good sense prevailed and the claimant of all the three Madarsa have amicably settled the dispute under Rule 10 of the Bihar State Non-Government recognized aided Madarsa Managing Committee Constitution Rule, 2022, and accordingly, the Board has accorded approval to the Managing Committee of the Madarsa Islamia Diyanatuloom. However, aggrieved with the afore-noted approval led by Madarsa Board, one Md. Wasimuddin as well as Md. Ilyas have preferred appeal bearing Appeal No. 2 of 2024 and Appeal No. 9 of 2024, respectively. The Director, Mass Education-cum-Special Secretary-cum- Appellate Authority having considered the dispute raised by other claimants set aside the order of Madarsa Board and remitted the matter with a direction to get the matter enquired at the level of the competent authority and pass appropriate order.

5. Learned Advocate for the petitioner as well as



Madarsa Board submitted that once the dispute has been amicably settled between the rival claimants, in the light of Rule 10 of Rule, 2022, there was no need for any interference in the order of Madarsa Board and relegating the matter back, would serve no purpose. Moreover, this is not the case that the Managing Committee is not having infrastructure or any shortcomings.

6. On the other hand, the learned Advocate for the State refuting the aforesaid contention submitted that once there is rival claim made by the different Managing Committee, the same was required to be enquired at the level of the competent authority and thereupon the decision was required to be taken by Madarsa Board, as to which managing committee was constituted in consonance with Rule 4 of the Rules, 2022.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the materials available on record, this Court finds there is no illegality in the order passed by the Director, Mass Education-cum-Special Secretary-cum-Appellate Authority; once it is evident from the record that there was adverse claim by three Managing Committee, mere mutual change of the members from one committee to another would not validate a committee, unless there is a finding that said committee was duly



constituted in consonance with the prescription provided under the Rules, 2022. Accordingly this Court finds that the petitioner is unable to make out a case for interference.

8. However, this Court directs that the entire exercise of enquiry must be completed at the level of the District Education Officer preferably within a period of six weeks from the date of receipt/production of a copy of this order. Based upon the enquiry report, the Madarsa Board shall take appropriate action in accordance with law, within a further period of two weeks.

9. The writ petition accordingly stands disposed off.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2025
Transmission Date	NA

