

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2249 of 2024

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Shekh Yunus Son of Shekh Farjan, Resident of Village Parsa, P.S.-
Puroshattampur, District- West Champaran, at present posted as the Secretary,
Madrasa Mohammadia Salafia, Barahia Tola, Block- Majhaulia, District West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Special Secretary, Education Department, Government of Bihar, Patna.
4. The Special Director, Secondary Education, Government of Bihar, Patna.
5. The District Education Officer, West Champaran, at Bettiah.
6. The District Programme Officer (Establishment), West Champaran, at Bettiah.
7. The Block Education Officer, Majhaulia, District West Champaran.
8. The Bihar State Madrasa Education Board, through its Secretary, Apex Tower, Harun Nagar, Sector-2, Phulwarisharif, Patna.
9. The Chairman, Bihar State Madrasa Education Board, Apex Tower, Harun Nagar, Sector 2, Phulwarisharif, Patna.
10. The Secretary, Bihar State Madrasa Education Board, Apex Tower, Harun Nagar. Sector-2, Phulwarisharif, Patna.
11. The Secretary, Madarsa Mohammadia Salafia, Basahia Bhola Tola, Chanpatia, West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Adv. Mr. Sharad Kumar Verma, Adv. Mr. Sharad Kumar Verma, Adv.
For the State	:	Mr. Manoj Kumar Sinha, AC to SC 19
For the Madrasa Board	:	Mr. Md. Aslam Ansari, Adv. Mr. Shahzad Hassan Khan, Adv.
For the Res. No. 11	:	Mr. Mahtab Alam, Adv. Mr. Noumaan Ahmad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-07-2026

Learned Advocates for the respective parties are



present.

2. From the relief sought for in the present writ petition, *prima facie*, it appears that the dispute is between two Madrasas regarding their genuineness. For better appreciation, it would be appropriate to quote the relief prayed for in the writ petition:

“i) For issuance of an appropriate writ, order/orders or direction to hold the Madrasa No. AFF 876/2371 in Category- 2460 2343 of Madrasa Mohammadia Salafia, Barahia Tola. P.O: Mahanwa, Block: Manjhaulia, District: West Champaran having valid and genuine code under the aforesaid category granted and issued by the Bihar State Madrasa Board, Patna.

ii) For issuance of an appropriate writ, order or direction to any other Madrasa having the aforesaid Madarsa Code with different address alike Madarsa situated in Basahia Tola in place of Barahia Tola, under Chanpatia Block in District: West Champaran be declared as the fogus, farzi, fake and illegal Madrasa, conducted by its Managing Committee.

iii) For that after found the genuineness and validity of Madrasa Mohammadia Salafia, Barahia Tola. P.O: Mahanwa, Block: Majhaulia, District: West Champaran, the respondents be directed to grant the aid from the government to the petitioner's Madrasa bearing Code No. 2371 under



Category 2460 No. AFF 876.

iv) For any other relief/reliefs for which petitioner is entitle in the facts and circumstances of the case.”

3. Learned Advocate for the Madrasa Board also produced a copy of the learned Division Bench passed in LPA No. 1017 of 2016 wherein the Court while hearing the order of the learned Single Judge had held as follows:

“In the matter of dispute between the two Madrasas with regard to alleged right and title, the learned Writ Court finding that it is a disputed question of fact, which has to be resolved by taking oral and documentary evidence, relegated the parties to take recourse of filing a civil suit. In doing so, no error has been committed by the learned Writ Court. The appeal is dismissed.”

4. Considering the submissions advanced and the materials available on record, especially the fact that the petitioner has raised a dispute pertains to the genuineness and validity of two Madrasas, which requires oral and documentary evidence, this Court does not find any reason or occasion to enter into the merit of the case.

5. The identical issue has also been considered by the co-ordinate Bench of this Court in CWJC No. 9631 of 2016



wherein the Court having taken note of the decision rendered by the Apex Court in the case of *Visakhapatnam Port Trust Vs. Ram Bahadur Thakur Pvt. Limited* [(1997) 4 SCC 582]; *D.D.A. V. Lila D. Bhagat* [AIR 1975 SC 495] as also the decision rendered in the case of *Arya Sabha V. Commr. HRE, [(1976) 1 SCC292]* and further in the case of *State of Bihar Vs. Jain Plastics and Chemicals Ltd. [(2002) 1 SCC 216]* has held that seriously disputed questions or rival claims of the parties which are to be investigated and determined on the basis of the evidence which may be led by the parties can be raised in a properly instituted civil suit, dismissed the writ petition with liberty to the petitioner to approach the appropriate Court/forum by way of suit or otherwise for the purpose of resolution of dispute involved.

6. Accordingly, the present writ petition also stands dismissed with the liberty aforesaid.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	14 .07.2026
Transmission Date	

