

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20406 of 2018

Md. Alauddin Bismil Son of Md. Manzar Alam Resident of Village and P.O.-
Mehsaul Got, P.S. and District-Sitamarhi, Secretary of Madarsa Rahmania,
Mehsaul, Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Special Director, Secondary Education, Government of Bihar, Patna.
5. The District Magistrate, Sitamarhi.
6. The District Magistrate, Sitamarhi.
7. The District Programme Officer, Establishment Sitamarhi.
8. The Bihar State Madrasa Educatioun Board Patna through its Chairman, Vidyapati Marg, P.S.-Kotwali,
9. The Chairman, Bihar State Madrasa Educatioun Board Patna, Vidyapati Marg, P.S.-Kotwali, District-Pa
10. The Secretary, Bihar State Madrasa education Board Vidyapati Marg, P.S.-Kotwali, District-Patna.
11. Md. Ashraf Ali Son of Ali Ahmed, Resident of Village-Shirakpur, Ward No.-3, P.O.-koili, P.S.-Nanpur, District-Sitamarhi.
12. Md. Ozair Akhtar Son of Md. Shamsul Haque, Resident of Village-Bhalhi Bazar, P.O.-Harpur Bhalha, P.S.-Bathnaha, District-Sitamarhi
13. Abdul Wadood Mujahiri Son of Sheikh Ros Mohammad, Resident of Village-Mehsaul Gate, Ward No.-6, P.O.-Mehsaul, P.S. and District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar, Adv. Mr. Anil Kumar, Adv. Mr. Sanjay Kumar, Adv.
For the State	:	Mr. Ashutosh Ranjan Pandey, AAG-15 Mr. S.S. Tiwary, A.C. to A.A.G.-15 Mr. Sarvesh Kumar Singh, AAG-13
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Adv. Mr. Md. Aslam Ansari, Adv.
For the Intervenor	:	Mr. Rajiv Ranjan Kumar Pandey, Adv. Mr. Kritya Nand Jha, Adv. Mr. Ranjit Kumar Yadav, Adv. Mr. Sanjeet Kumar, Adv.



CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-03-2026

This writ petition has been filed by the petitioner,

Md. Alauddin Bismil seeking the following reliefs:-

"(i) For issuance of an appropriate writ order or direction commanding the respondents to hold an inquiry for the forgery committed in letter No-2712 dated 16-12-2013 issued under the signature of District Education Officer, Sitamarhi, by the private respondents for including the name of their Madarsa in the list of 2459 category and have been getting financial benefits in illegal manner.

(ii) For issuance of an appropriate writ order or direction commanding the respondents to take action against the persons involved in the matter who are getting financial benefits on the basis of said forged and fabricated letter/documents.

(iii) For issuance of an appropriate writ order or direction commanding the respondents to launch prosecution against the persons involved in committing forgery for getting financial benefits from the State Government.

(iv) For any other relief or relief for which petitioner is entitled in the opinion of this Hon'ble High Court."

2. A perusal of the 5th Supplementary Counter



Affidavit filed on behalf of Respondent Nos. 1 to 4, dated 18.02.2026, reveals that a document has been brought on record as Annexure-R/28, indicating that ten Madarsas, upon due enquiry, have been recommended for cancellation. It is further averred in paragraphs 7 to 13 of the said affidavit as follows:-

"7. That in so far as the latest development in the light of order dated 04.02.2026 passed by this Hon'ble Court is concerned, it is humbly stated that the Additional Chief Secretary, Education Department, Govt. of Bihar has sent a reminder addressed to the Director General of Police, Bihar, Patna requesting him to provide latest status pertaining to F.I.R. lodged in Sitamarhi matter in compliance of the order dated 24.01.2023 and 04.02.2026 passed by the Hon'ble Court so that it may be brought to the notice of the Hon'ble Court as is evident vide letter No 397 dated 09.02.2026.

8. That it is relevant to state at this juncture that the Education Department, Govt. of Bihar has already made a recommendation to the Bihar State Madarsa Education Board (hereinafter referred to as the Board) to cancel the recognition of 23 institutions which do not fulfil the requisite criteria, as the Board is the competent body to take appropriate decision and accordingly the Additional Chief Secretary, Education Department, Govt. of Bihar has sent a letter bearing letter No.



398 dated 05-02-2026 addressed to the Chairman as well as Secretary of the Board to update with the latest development.

9. That likewise, the Additional Chief Secretary. Department, Education Govt. of Bihar has sent a letter bearing no. 399 dated 05-02-2026 asking the Chairman/Secretary of the Board to provide the detailed information of recognized unaided Madarsas of 2459+1 category which fulfill the requisite norms and which do not fulfill the requisite norms and to provide detailed report after taking necessary action.

10. That it may be brought to the notice of this Hon'ble Court that Under Section 02 of the Bihar Rajya Madarsa Shiksha Board Adhiniyam, 1981 the Board has got exclusive jurisdiction to grant recognition or withdraw recognition of the Madarsa which do not fulfill the requisite norms under the relevant provisions.

11. That in compliance of the order of this Hon'ble Court dated 04.02.2026 a decision was taken to convene a meeting in the office chamber of the Director, Secondary Education on 16.02.2026 and accordingly the Secretary of the Board was directed to participate in the said meeting along with updated report as is evident vide No. 456 letter dated 13.02.2026.

12. That it is pertinent to point out at this stage that in course of the meeting dated 16.02.2026 held in the office Chamber of the



Director Secondary Education, the following facts emerged:

(i) The three member enquiry committee constituted at the Departmental level in course of enquiry found 635 Madarsas fulfill requisite criteria out of 609 and 205 total recognized aided Madarsas and a recommendation was made for cancellation of recognition of 179 Madarsas.

(ii) It was pointed out that the Board has made scrutiny and made a recommendation that out of 179 Madarsas which were recommended for cancellation of recognition 156 Madarsa fulfill the requisite criteria and thus the three member enquiry committee constituted at the departmental level reviewed the earlier recommendation. However, it was apprised that the matter of 23 Madarsa are under consideration before the Board.

(iii) So far as the 1646 un-aided Madarsas out of total 2459+1 Madarsas are concerned the Secretary of the Board assured that the updated status would be evident from the minutes of the meeting dated 16.02.2026.

(iv) However, for better appreciation the updated status of Madarsas in tabular form is being appended herewith.

(v) However, the Secretary of the Board has made available detailed report vide letter No. 557 dated 16-02-2026 addressed to the



Special Director, Secondary Education which would be placed before the three member enquiry committee of the Department to examine the same and to take appropriate decision in the said matter.

13. That from the facts and circumstances set forth above it is evident that the answering respondents have been taking all feasible steps and have been striving hard to do the needful in compliance of the order of this Hon'ble Court."

3. Learned counsel appearing on behalf of Respondent Nos. 8 to 10, i.e., the Bihar State Madarsa Education Board, Patna, has filed a supplementary counter affidavit dated 16.03.2026, wherein it is stated as follows:-

"6. That it is relevant to mention here that the Board has been informed by the Education Department, Govt. of Bihar vide letter no. 548 dated 22.07.2025 to take action under Rule 12 (2) of the Govt. Notification No. 397 dated 19.04.2022 to cancel the recognition of 27 Madrasas of 609 category and 98 Madrasas of 205 category i.e. a total of 125 Madrasas under 2459+1 category.

7. That in order to take action in the light of departmental guidelines and the list of affected Madrasas, the matter has been sent to the department by the Board through its respective resolutions dated 23.06.2025 and 16.09.2025 for lifting the ban on grants to the 98 Madrasas and 09



Madrasas respectively which have been found to be in accordance with the provisions contained in Government Resolution No. 1090 dated 29.11.1980 in the light of the spot enquiry report and verified report of the concerned District Education Officer.

8. That pursuant to the aforesaid recommendations of the Board through its respective resolutions dated 23.06.2025 and 16.09.2025 regarding 98+9=107 Madrasas, the Education Department vide its respective Memo No. 2467 dated 03.10.2025 and 2794 dated 17.11.2025 has ensured to start the payment of 86 and 17 madrasas respectively i.e. a total of 103 madrasas out of 125 madrasas have come within the payment list.

9. That it is stated that recently out of 22 affected madrasas, the office of the Board vide its Letter No. 726 dated 10.03.2026 recommended to the department for lifting the ban on payment of 3 (three) madrasas in the light of Board's resolution dated 13.01.2026, which have been found to be in accordance with the provisions contained in Government Resolution No. 1090 dated 29.11.1980 in the light of the spot enquiry report and verified report of the concerned District Education Officer."

4. As per the previous order dated 17.03.2026, learned counsel for Respondent Nos. 8 to 10 has produced the Bihar State Madarsa Education Board Rules, 2022 (hereinafter



referred to as the '2022 Rules').

5. Rule 12 of the '2022 Rules' provides for the power to grant and withdraw affiliation, and Rule 12(2) of the '2022 Rules' reads as follows:-

"12(2) The Board shall have the power to withdraw/cancel/suspend affiliation /recognition of the Madarsa under section 7 (2) (b) if in the opinion of the Board, the affiliated Madarsa has failed to maintain the requisite standards for grant of affiliation or have in any manner acted in the detriment or prejudicial to the interest of the students, Board or the education system in general. Provided also that before withdrawing/cancelling affiliation, the Board shall give to the Madarsa concerned a reasonable opportunity of being heard, and the students admitted into such Madarsas shall be allowed to complete their academic sessions and appear at the next examination conducted by the Board."

6. In view of the limited prayer made by the petitioner in the present writ petition, and considering that the enquiry has already been conducted, it appears from the 5th Supplementary Counter Affidavit filed on behalf of Respondent Nos. 1 to 4 that recommendations have been made for cancellation of recognition of certain Madarsas. Necessary follow-up action is required to be taken by Respondent Nos. 8 to



10 in accordance with law, particularly in light of Rule 12(2) of the '2022 Rules'.

7. In the aforesaid circumstances, this Court is of the view that no useful purpose would be served by keeping the matter pending any further.

8. Accordingly, the writ petition stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.03.2026
Transmission Date	

