

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1227 of 2026

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Muhammad Talib @ Md. Talib Son of Manjur Alam, Resident of village-
Brahamchari Dalan, P.S.- Muffasil, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Secretary, Bihar State Madarsa Education Board, Patna.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. Headmaster, Madarsa Islamia, Hathia Diara (Madarsa No. 662), P.O.- Dalan, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Advocate
For the State	:	Mr. Raghwanand, G.A.-11
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Mr. Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-06-2026

This application has been filed as a Public Interest Litigation. The petitioner seeks a direction upon the respondent authorities to shift Madarsa Islamiya Hathia Diyara (Madarsa No. 662), from the campus of Primary School Hathia Diyara to the building constructed over land situated at Mauza-Hariharpur, Khata No. 122, Khesra Nos. 1037 and 1040, measuring 6 Kathas and 200 square karis,



in the interest of justice and equity.

2. Learned counsel for the petitioner submits that the petitioner is a citizen of India and a social worker having no direct or indirect personal interest in the outcome of the present litigation.

3. It is further submitted that, Madarsa No. 662 was established in the year 1962 and was registered by the respondent-State in the year 1964. Since its inception, it has been functioning on land belonging to the District Board, as it had no land of its own. Over a period of time, the number of students increased and, upon a donation of land measuring 6 Kathas and 200 square karis by a private individual, the said land was registered on 04.02.2021 and subsequently mutated in the name of the Madarsa. It is alleged that Madarsa No. 662 had no valid Managing Committee since 2011 and, therefore, a meeting of the villagers was convened, wherein a new Managing Committee was constituted and a President was appointed. Consequent thereto, the Bihar State Madarsa Education Board approved the newly constituted Managing Committee vide Memo dated 11.01.2022. Thereafter, a decision was taken to shift Madarsa No. 662 to the newly constructed building situated on the donated land, as detailed hereinabove. However, till date the Madarsa has not been shifted.

4. It is further submitted that an application



was preferred before the Bihar State Madarsa Education Board, respondent no. 2, which, upon consideration, directed that Madarsa No. 662 be run from the newly constructed building.

5. The case of the petitioner is that despite the aforesaid direction, the Madarsa continues to function from the old building, necessitating the filing of the present writ petition.

6. Learned counsel for the petitioner further urges that a dispute has arisen between the erstwhile Managing Committee of the year 2008 and the newly constituted Managing Committee of the year 2022, and that the former Committee continues to administer the affairs of the Madarsa from the campus of the Primary School. As a consequence thereof, the students of the Madarsa are allegedly suffering.

7. Learned counsel appearing for respondent nos. 1, 3 and 4 contesting the submissions of the petitioner contended that the present petition is not maintainable as a Public Interest Litigation, *inasmuch* as the petitioner is personally interested in the outcome thereof. In this regard, reliance has been placed upon the order passed by this Court in **Civil Writ Jurisdiction Case No. 2105 of 2019 (Brahmdeo Prasad Mahton vs. The State of Bihar & Ors.)**, wherein, in a similar matter, the petitioner had sought a direction for shifting Rajkiya Krit Sri Siya Lakhan



High School, Samsa, to a newly constructed building in terms of a Government decision. The writ petition was dismissed on the ground that it was for the State to enforce its own decision and that no Public Interest Litigation would lie for implementation thereof. Reliance has also been placed upon the decision rendered in ***Harendra Pratap Singh vs. The State of Bihar & Ors., C.W.J.C. No. 5363 of 1998***, wherein the petitioner, by way of a Public Interest Litigation, sought issuance of a writ of mandamus directing the respondents to change the location of Harbansh High School, Police Station, Health Sub-Centre, Animal Husbandry Sub-Centre, Kanya Middle School and Chandi Chowk. The Court observed that it is for the administration to determine the location of schools, health centres and other institutions on the basis of administrative considerations and that no judicial interference was warranted in such matters.

8. Having given our anxious consideration to the submissions advanced on behalf of the parties and upon perusal of the pleadings and documents brought on record, it appears, prima facie, that notwithstanding the order passed by the Bihar State Madarsa Education Board, an internal dispute persists between the newly constituted Managing Committee and the erstwhile Managing Committee. The same is evident from the averments made in paragraph 18 of the writ petition, and it also discloses



that the writ petition has been filed by the person concerned with Madrasa No. 662, which is indicative of private interest in the matter.

9. In view of the aforesaid facts and circumstances, we are of the considered view that the present petition neither warrants consideration by this Court nor is it maintainable as a Public Interest Litigation.

10. The writ petition stands dismissed and disposed of, accordingly.

(Meenakshi Madan Rai, CJ)

(Soni Shrivastava, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.06.2026
Transmission Date	

