

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25428 of 2019

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Madarsa Zikratun Nisa through its Secretary Dr. S.M. Naiyer Imam, aged about 70 years (Male), son of Late S.M. Zareef, situated at Village- Bahera, Block- Benipur, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Bihar State Madrasa Education Board, Patna.
3. The District Magistrate, Darbhanga.
4. The District Education Officer, Darbhanga.
5. The District Programme Officer, Lekha and Yojana, Darbhanga.
6. The Circle Officer, Block- Benipur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate
For the State	:	Mr. Jitendra Kr. Roy 1 (SC-13) Mr. Hitesh Suman, AC to SC-13
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate Mr. Aslam Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-02-2026

At the outset, learned Advocate for the petitioner seeks permission to make necessary correction in the name of the Secretary of the petitioner's Madarsa, in pursuant to the orders of this Court dated 09.10.2025 and 22.01.2016.

2. Permission is accorded.

3. Heard the parties.

4. Taking note of the conflicting report of different officials, this Court vide order 29.04.2025 directed the District



Magistrate, Darbhanga to conduct an enquiry regarding infrastructure and functioning of the Madarsa Zikratun Nisa preferably within a period of three months. In pursuant thereto, a three men committee has been constituted vide Memo No. 2148 dated 09.06.2025 issued under the signature of District Magistrate, Darbhanga. The committee so constituted consisted of (i) Sub-Divisional Officer, Benipur, Darbhanga, as Chairman, (ii) The Deputy Collector, Land Reforms, Benipur, Darbhanga, as Member and (iii) The District Programme Officer (Establishment), Darbhanga as Member.

5. As per enquiry conducted by the three men Committee, submitted a joint report dated 03.08.2025. Referring to the joint report, this Court is apprised that from the revenue records, it appears that total 21.1 decimals of land has been running in the name of Madarsa and out of the said land, there is a building of Madarsa erected over 1 Katha and 10 dhurs. The remaining land is vacant. However, at present the Madarsa is found to be in dilapidated condition and non-functional.

6. Mr. Ashhar Mustafa, learned Advocate for the petitioner adverting to the materials available on record submitted that besides the conflicting report from different authorities, the three men committee constituted by the District



Magistrate, Darbhanga has failed to submit inspection report in terms with the regulations, as prescribed for inspection of Madarsa. In the year, 2016, to be more specific i.e. on 13.06.2016 the joint committee of the District Education Officer, Darbhanga and District Programme Officer (Accounts and Planning), Darbhanga has submitted an inspection report within a prescribed format disclosing therein all the particulars separately, including the prescriptions of the land, size of the class rooms, name of the teachers and the member of the Managing Committee as well as number of students, who were pursuing their studies in the said Madarsa. However, at the time of inspection pursuant to the order of this Court, neither the member of the Managing Committee nor the Head Maulvi has been informed with regard to the inspection of the Madarsa or any time schedule so that they may produce all the records relating to Madarsa.

7. It is the specific contention of the petitioner that at no point of time, the physical inspection has been conducted by the authorities, rather only a photograph has been obtained, based upon which a report has been prepared. The aforesaid report cannot be said to be an inspection report in the eyes of law.



8. On the other hand, Mr. Hitesh Suman, learned Advocate for the State refuting the afore noted contention has submitted that all the three members of the Committee are Senior Officials of the State of Bihar and they visited at the site and thereafter submitted a report. The report clearly suggest that the Madarsa was not functional, the building was dilapidated and there is hardly any evidence that the Madarsa was running in the said building.

9. Learned Advocate for the Madarsa submits that in pursuant to the order of this Court, a detailed enquiry as well as physical inspection has been done by the authorities of the State and in the said process altogether 2459 educational institutions, which were registered under the Madarsa Act have been duly inspected and in case it has been found that some institutions are not fulfilling the criteria, having a requisite infrastructure as stipulated under the law and more specifically under the Madarsa Act, they have been given opportunity to approach before the authorities concerned with an undertaking for removal of the deficiencies, if any.

10. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the manner, in which inspection was conducted without



giving any proper notice or opportunity to the members of the Managing Committee, this Court is not satisfied with the joint report dated 03.08.2025, besides the facts acknowledged by all the parties that earlier in the light of Resolution No. 162 dated 15.02.2011 and the letter issued by the Secretary, Bihar State Madarsa Education Board, physical inspection of Madarsa, in question, was conducted on 09.06.2016. The copy of the report as appended to the letter no. 480, dated 15.06.2016, categorically provided all the particulars separately, but the present physical inspection report submitted by three men committee does not appear to be in conformity with afore noted resolution and the letter.

11. In view thereof, this Court directs the District Education Officer, Darbhanga as well as District Programme Officer (Establishment), Darbhanga to make a fresh physical inspection of the Madarsa after giving proper notice to the Secretary of the Madarsa, in question, by fixing an appropriate date within a period of four weeks from today in the prescribed way and proforma, as mandated by the existing rules/regulation/resolution/letter and further take appropriate decision, based upon the inspection report after serving a copy to the Secretary of Madarsa, in question.



12. The entire exercise must be completed within a period of eight weeks.

13. The writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2026
Transmission Date	NA

