ITEM NO.1501 COURT NO.3 SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 5808/2017

SK. MD. RAFIQUE **Appellant(s)**

VERSUS

MANAGING COMMITTEE, CONTAI RAHAMANIA HIGH MADRASAH AND ORS. **Respondent(s)**

([HEARD BY : HON. ARUN MISHRA AND HON. UDAY UMESH LALIT, JJ.])

WITH

C.A. No. 5809/2017 (XVI)
C.A. No. 5826/2017 (XVI)
C.A. No. 5817/2017 (XVI)
C.A. No. 5814/2017 (XVI)
CONMT.PET.(C) No. 583/2016 In SLP(C) No. 6661/2016 (XVI)
C.A. No. 5829/2017 (XVI)
W.P.(C) No. 723/2016 (X)
CONMT.PET.(C) No. 846/2016 In SLP(C) No. 6661/2016 (XVI)
C.A. No. 6098/2017 (XVI)
CONMT.PET.(C) No. 670/2017 In SLP(C) No. 6661/2016 (XVI)
CONMT.PET.(C) No. 669/2017 In SLP(C) No. 6661/2016 (XVI)
CONMT.PET.(C) No. 828/2017 In SLP(C) No. 6661/2016 (XVI)
CONMT.PET.(C) No. 1509/2017 in C.A. No. 5808/2017 (XVI)
W.P.(C) No. 629/2017 (X)
CONMT.PET.(C) No. 1798/2017 in C.A. No. 5808/2017 (XVI)
CONMT.PET.(C) No. 937/2018 in C.A. No. 5808/2017 (XVI)
CONMT.PET.(C) No. 938/2018 in C.A. No. 5808/2017 (XVI)
CONMT.PET.(C) No. 1219/2018 in C.A. No. 5808/2017 (XVI)
CONMT.PET.(C) No. 1274/2018 in C.A. No. 5808/2017 (XVI)
CONMT.PET.(C) No. 1669/2018 in C.A. No. 5808/2017 (XVI)
CONMT.PET.(C) No. 1921-1922/2018 in C.A. No. 5808/2017 (XVI)

Date : 06-01-2020 These matters were called on for pronouncement of Judgment today.

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Hon’ble Mr. Justice Uday Umesh Lalit pronounced the reportable Judgment of the Bench comprising Hon’ble Mr. Justice Arun Mishra and His Lordship.

The operative portion of the Judgment is reproduced as under :-

"57. In the premises, while allowing these appeals, we set aside the view taken by the Single Judge and the Division Bench of the High Court and dismiss Writ Petition No.20650(W) of 2013 and other connected matters. We also hold Sections 8, 10, 11 and 12 of the Commission Act to be valid and constitutional.

58. In the end, we declare all nominations made by the Commission in pursuance of the provisions of the Commission Act to be valid and operative. However, if after the disposal of the matters by the High Court any appointments are made by the concerned Madarshas, such appointments of teachers shall be deemed to be valid for all purposes. But the Commission shall hereafter be competent to select and nominate teachers to various Madarshas in accordance with the provisions of the Commission Act and the Rules framed thereunder.

59. With the aforesaid observations these appeals are allowed. No separate orders are required to be passed in respect of Writ Petitions and contempt petitions which stand disposed of in terms of declaration as above. No orders as to costs."

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed reportable Judgment is placed on the file)