



2025:UHC:7555

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 835 of 2025

Madarsa Inamul Ulum Society

... Petitioner

Versus

State of Uttarakhand & Others

... Respondents

With

Writ Petition (M/S) No. 2481 of 2025

Writ Petition (M/S) No. 984 of 2025

Writ Petition (M/S) No. 1149 of 2025

Writ Petition (M/S) No. 1200 of 2025

Writ Petition (M/S) No. 1218 of 2025

Writ Petition (M/S) No. 1381 of 2025

Writ Petition (M/S) No. 1551 of 2025

Writ Petition (M/S) No. 1572 of 2025

Writ Petition (M/S) No. 1573 of 2025

Writ Petition (M/S) No. 1624 of 2025

Writ Petition (M/S) No. 1638 of 2025

Writ Petition (M/S) No. 1658 of 2025

Writ Petition (M/S) No. 1659 of 2025

Writ Petition (M/S) No. 1660 of 2025

Writ Petition (M/S) No. 1662 of 2025

Writ Petition (M/S) No. 1670 of 2025

Writ Petition (M/S) No. 1710 of 2025

Writ Petition (M/S) No. 1719 of 2025

Writ Petition (M/S) No. 1722 of 2025

Writ Petition (M/S) No. 1728 of 2025

Writ Petition (M/S) No. 1796 of 2025

Writ Petition (M/S) No. 1803 of 2025

Writ Petition (M/S) No. 1804 of 2025

Writ Petition (M/S) No. 1805 of 2025

Writ Petition (M/S) No. 1833 of 2025

Writ Petition (M/S) No. 1913 of 2025

Writ Petition (M/S) No. 1929 of 2025

Writ Petition (M/S) No. 2003 of 2025

Writ Petition (M/S) No. 2025 of 2025

Writ Petition (M/S) No. 2057 of 2025

Writ Petition (M/S) No. 2058 of 2025

Writ Petition (M/S) No. 2059 of 2025

Writ Petition (M/S) No. 2060 of 2025

Writ Petition (M/S) No. 2466 of 2025

Writ Petition (M/S) No. 2473 of 2025



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Mr. T.A. Khan, Senior Advocate, with Mr. Vinay Bhatt, Mr. Mohd. Matlub, Mr. D.C.S. Rawat, Mr. Gaurav Singh, Mr. Shariq Khurshid, Mr. Kaushal Pande, Mr. Mehboob Rahi, Mr. Imran Ali Khan, Mr. Ketan Joshi and Mr. Junaid Alam, Counsel for the petitioners.

Mr. Ganesh Dutt Kandpal, Deputy AG, with Mr. Suyash Pant, Standing Counsel, for the State.

Mr. Rahul Consul, Advocate, for the MDDA.

J U D G M E N T

Hon'ble Manoj Kumar Tiwari, J.

Since common questions of law and fact are involved in these writ petitions, therefore, these are being heard and decided together by this common judgment. However, for the sake of brevity, facts of Writ Petition (M/S) No. 835 of 2025 alone are being considered and discussed here.

2. Writ Petition (M/S) No. 835 of 2025 is filed by Madarsa Inamul Ulum Society, which runs a Maktab at Vikasnagar in District Dehradun since 2020. By means of this writ petition, petitioner has sought the following relief:

“(I) To issue a writ, order or direction in the nature of mandamus commanding the respondents to permanently unseal the premises of the petitioner-society, situated at Khata no. 422, Khasra no. 3866 ka, Rasoolpur (Canal Bypass Road), Tehsil Vikasnagar, District Dehradun, which have been illegally sealed by the respondents.”

3. The grievance of petitioners in these petitions is that the premises in which they were running Maktab, were sealed by the district level authorities without prior notice or without any reason or justification, whatsoever. They further contend that sealing was done by the authorities in



the absence of any order by a statutory authority. Learned Counsels for the petitioners submit that right to run a Maktab, where students learn Quran recitation, grammar and ethics, is a constitutionally protected right and the interference made by the state authorities with the said right of the petitioners is unsustainable in the eyes of law.

4. A letter, issued by Deputy Registrar, Uttarakhand Madarsa Education Board to Secretary, Minority Welfare Department on 4.3.2025, is enclosed as Annexure-8 to the writ petition. From the said letter, it is revealed that there are two category of Islamic schools, namely, (i) Maktab, where only religious teachings are imparted to students and (ii) Madarsa, where in addition to religious teachings, students are prepared for appearing in different examinations e.g. Tahataniya/Fauquania/Munshi/Maulvi. It is further revealed from the letter that there are 416 Madarsa, which are registered with Uttarakhand Madarsa Education Board (for short, 'Madarsa Board') and about 88 institutions had applied to Madarsa Board for registration as on 4.3.2025. In para 3 of the letter, however, it is mentioned that a Madarsa, which is not registered with Madarsa Board, falls in the category of illegal Madarsa.

5. Learned State Counsel, on instructions, submits that only such institutions, which are registered and recognized by Madarsa Board alone can use the expression 'Madarsa' in their name; he submits that in Uttarakhand, in recent past, there



has been mushrooming growth of institutions, which claim to be Madarsa but are not recognized by Madarsa Board; he submits that due to wrongful use of the expression 'Madarsa' by the institutions, which are imparting religious teachings only, the children and parents belonging to marginalized sections are getting confused and they are taking admission in such institutions with the false hope that the education received by them in such institutions will make them eligible for employment under the government or in the corporate sector. He further submits that the education imparted by the institutions, which are not registered with the Madarsa Board will not lead them anywhere, therefore the state authorities had to intervene to ensure that gullible persons from marginalized sections of the society are not misled by the false impression created by unregistered and unrecognized institutions.

6. It is not in dispute that State Legislature has enacted The Uttarakhand Madarsa Education Board Act 2016. Section 2(f) of the said Act defines "institution" and 2(h) of the Act defines "Madarsa-Education", which are extracted below:

2(f) "institution" means a Madarsa or an Oriental College established and administered by Muslim-Minorities and recognized by the Board for imparting Madarsa Education;"

2(h) "Madarsa-Education" means education in Arabic, Urdu, Persian, Islamic-studies, Tibb, logic, Philosophy and includes such other branches of learning as may be specified by the Board from time to time;"



7. Section 2(j) of the Act defines the expression “recognition” and means recognition for the purpose of preparing candidates for admission to the Board’s examination. Section 9(g) of the Act provides that one of the functions of the Board constituted under the said Act is to recognize institutions for the purposes of its examination.

8. Uttarakhand Madarsa Education Board has framed regulations under the provisions of the aforesaid Act, which were notified on 12.12.2019 and are known as “The Uttarakhand Non-Governmental Arabic and Persian Madarsa Recognition Regulations, 2019”. The expression “Kamil”, “Alim”, Maulvi/Munshi”, “Fauquania” and “Tahataniya” are defined in Regulation 2(f), (g), (h), (i) and (j) respectively. From the definition clause, it is revealed that Tahataniya refers to elementary classes, while Kamil means Graduation Degree of the Board. Regulation 3 deals with recognition of institutions as Madarsa. Regulation 4 lays down the eligibility conditions for recognition. Regulation 6 lays down the norms regarding building, which every Madarsa should have, and Regulation 7 lays down the basic infrastructure, which every institution should have. Regulation 12 provides for inspection of the Madarsas and also for suspension and withdrawal of recognition.

9. Learned State Counsel submits that since institutions run by petitioners are neither registered nor recognized by Madarsa Board, therefore, such institutions are not authorized to use the expression



'Madarsa' in their name and petitioners are deliberately using the expression 'Madarsa' in the name of the Maktab, which they are running, in order to attract more students and petitioners thereby are playing with the future of innocent children, who are taking admission under the impression that education they receive in the Maktab will open opportunity of study in modern subjects and employment in government/corporate sector to them.

10. Learned Counsels for the petitioners submit that petitioners are ready to give undertaking before the concerned Sub Divisional Magistrate that they will neither run Madarsa nor use the expression 'Madarsa' in the name of institutions/Maktab run by them till the time their institutions are duly registered/recognized by Uttarakhand Madarsa Education Board.

11. Having regard to the facts and circumstances of the case and also in view of the undertaking given on behalf of petitioners through their respective Counsel, writ petitions are disposed of by providing that the premises/buildings, which are being used by petitioners for running educational institutions shall be de-sealed subject to petitioners giving undertaking in the form of affidavit before the concerned Sub Divisional Magistrate that they will neither run Madarsa nor use the expression 'Madarsa' in the name of institutions run by them till registration of the concerned institution with the Madarsa Board and petitioners shall be permitted to



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run Maktab from the premises in question and no interference with the right to run Maktab will be made without any authority of law.

12. However, it is made clear that if petitioners fail to abide by the undertaking given by them or if they are found unauthorisedly using the expression 'Madarsa' in the name of institution run by them, the authorities shall be free to take necessary action against such petitioner.

(Manoj Kumar Tiwari, J.)

26.8.2025

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