



2026:AHC-LKO:3478

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 307 of 2026

C/M Madarsa Ahle Sunnat Imam Ahmad Raza
Thru.Manager,Abdul Rahman

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Minority
Welfare Deptt. Civil Sectt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Sayyed Farooq Ahmad, Vinod Kumar
Yadav
Counsel for Respondent(s) : C.S.C., Afzal Ahmad Siddiqui

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Sayyed Farooq Ahmad, the learned counsel for the petitioner and Sri Devendra Mohan Shukla, the learned Additional Chief Standing Counsel for the State of U.P. representing opposite parties no. 1, 3 & 4. The cause list shows name of Sri Afzal Ahmad Siddiqui as the learned counsel for the opposite party no. 2-Registrar, Uttar Pradesh Board of Madarsa Education, Lucknow but he is not present.

2. By means the instant writ petition, the petitioner has challenged validity of an order dated 01.05.2025 passed by the District Minority Welfare Officer, Shrawasti directing the petitioner to close the operation of its Madarsa as it is being operated without any recognition.

3. The learned counsel for the petitioner has submitted that consequence of non recognition is provided in Regulation 13 of the Uttar Pradesh Non-Governmental Arabic and Persian Madarsa Recognition, Administration and Services Regulation, 2016, which provides that an unrecognized madarsa will not be entitled to receive any grant from the State.

decision of the Hon'ble Supreme Court in the case of *Anjum Kadari v. Union of India*, (2025) 5 SCC 53, wherein the Hon'ble Supreme Court has referred to its earlier decision in the case of In re: Kerala Education Bill, 1957, 1958 SCC OnLine SC 8, wherein the Hon'ble Supreme Court has classified minority educational institutions into three categories: (i) those which do not seek either aid or recognition from the State; (ii) those which want aid; and (iii) those which want only recognition but not aid. The first category of institutions is protected by Article 30(1).

6. The learned counsel for the petitioner submits that the petitioner falls within category (i) as the petitioner is neither seeking either aid or recognition from the State and its functioning is protected by Article 30(1) of the Constitution of India.

7. Although the learned Additional Chief Standing Counsel has vehemently opposed the writ petition stating that running of an unrecognized madarsa may create unwarranted complications as the students of the madarsa will not be entitled to claim any benefit on the basis of qualification acquired from unrecognized madarsa, he could not dispute the fact that there is no provision in the regulation enabling the authorities to stop the functioning of a madarsa on the ground that it is not recognized.

8. On the basis of written instructions, the learned Additional Chief Standing Counsel has further submitted that a show cause notice has been issued to the petitioner on 26.08.2025 but the petitioner has not submitted any reply to the notice.

9. Accordingly, the writ petition is *allowed*.

10. The impugned order dated 01.05.2025 passed by the District Minority Welfare Officer, Shrawasti directing closure of the petitioner madarsa is quashed. However, it is clarified that the petitioner madarsa will not be

Government.

11. The seal put on the petitioner madarsa will be opened within 24 hours of production of a certified copy of this order.

(Subhash Vidyarthi,J.)

January 16, 2026
Pradeep/-