



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

D.B. Civil Writ Petition No. 7556/2021
CNR: RJHC010317252021 | URN: CW / 13898U / 2021

Pratipal Singh

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

D.B. Civil Writ Petition No. 7555/2021
(CNR: RJHC010317272021 | URN: CW / 13897U / 2021)

For Petitioner(s) : Mr. Moti Singh
For Respondent(s) : Mr. Vaibhav Bhansali for
Mr. B.P. Bohra, Sr.CGSC
Mr. Rishabh Tayal
Ms. Muskan Jangid
Mr. Deepak Chandak for
Mr. B.L. Bhati, AAG
Mr. Shyam Sunder Paliwal
Mr. Jogendra Singh

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

Order

28/09/2026

Heard learned counsel for the parties.

A very serious question has been raised in the present writ petition concerning the functioning and operation of approximately 3,000 *Madarsas* in the State of Rajasthan. The petition, inter alia, questions the Rules and Regulations governing these *Madarsas* and highlights the conspicuous absence of effective control, supervision, and regulatory provision oversight by the State of Rajasthan or by the competent authorities and institutions having expertise in the field of education, particularly with regard to



extending necessary assistance, guidance, and supervision to the *Madarsas* functioning within the State of Rajasthan.

Learned counsel submits that even the guidelines for the operation of these *Madarsas* in the State of Rajasthan are not proper for effective governance and operation and, therefore, an effective mechanism is required for proper functioning of *Madarsas* in the State of Rajasthan. He further submits that the Rajasthan Madarsa Board Act, 2020 is not having any effective provisions and mechanism to properly control the imparting of education in the *Madarsas*. He, therefore, prays that the State Government may be directed to take effective steps to incorporate the provisions of law for effective management, control and imparting of education by the Competent Teachers in the *Madarsas* in the State of Rajasthan. Learned counsel further submits that he has given suggestions for the betterment of children studying with the *Madarsas* Institutions, which read as under :-

"i. That the Madarsa Board and Minority Department may kindly be directed to prepare a report of those Madarsas who conduct the secondary and senior secondary education with affiliation of the RBSE & CBSE, further, after prepare a report the registration of those Madarsas may be cancelled from the Madarsa Board and they may be permitted for secondary / senior secondary education according to the National Education Policy, 2020.

ii. That RBSE / CBSE may kindly be directed to prepare a report of those recognized schools, who are running with Madarsas and their registration /



affiliation may kindly be re-examined / cancelled if they run the Madarsa Institution with secondary school.

iii. That the Minority Department / Madarsa Board may kindly be directed to not provide any assistance / grant of those Madarsas who have been affiliated and registered for imparting the secondary / senior secondary education as a secondary / senior secondary school and their registration with the Madarsa Board may kindly be cancelled.

iv. That the Education Department may kindly be directed to prepare a syllabus for impart the education of children who connect with primary / upper primary Madarsas of the State of Rajasthan and further, the primary / elementary education department may kindly be directed to prepare a program of common examinations for children of all Madarsas of State of Rajasthan under the administration and control of District Institute of Education and Training (DIET) of every district of State of Rajasthan.

V. That Minority Department / Madarsa Board may kindly be directed to develop a portal for collect the details of the children who get the admission and studying with Madarsa Institution of the State of Rajasthan and given a unique identification number linked with Aadhar Number to the children for continue their education.

vi. That the Madarsa Board may kindly be directed to not grant any remuneration / salary of those teachers who having not qualified with the diploma or degree in education course and further they may discontinue from the contractual service of the teachers / para teachers / computer teachers of the Madarsa Institution of State of Rajasthan.





vii. That further, by an appropriate directions the Madarsa Board may kindly be directed to not make any payment from the State fund to the religious teachers (Maulvi, Mufti and Imaam etc.) appointed by the Madarsa society / private body for impart the religious education to the children of Madarsa.

viii. That Director, Secondary Education Department and the Director, Rajasthan Board of Secondary Education may kindly be directed to take the decision upon the recommendations dated 21.07.2025 submitted by District Education Officer, Jodhpur with regard to enquiry of illegalities and fraud by the various Madarsas.

ix. That the appropriate order may kindly be passed in terms of the recommendation of the National Commission for Protection of Child Rights (NDPCR) and all Madarsas may be directed to not get any admission of non-muslim children in Madarsas for imparting the religious education and further, the existing non-muslim children may be taken out of Madarsas and admit in the schools which is not governed by a Madarsa society for receiving fundamental education as per the Right to Education Act, 2009.

x. That the Minority Department/ Education Department may kindly be directed to ensure that all children from muslim community who are attending Madarsas may impart the school education in terms of the Right to Education Act, 2009.

xi. That the Primary Education Department / Madarsa Board may kindly be directed to prepare a report of all registered or unregistered Madarsas who involve in the business of imparting education to the children and ensure that those Madarsas who not fulfill the norms of the primary and upper primary schools may close and their registration may be cancelled, the land which





is occupied either by allotment or any other way may kindly revert back to the concerned District Collector.

xii. Any other directions in interest of betterment and bright future of the children of the Madarsas may kindly be passed” .

Mr. B.L. Bhati, learned Additional Advocate General, in these circumstances, is directed to file a detailed affidavit suggesting effective steps, which can be taken for effective management, control and operation of the *Madarsas* in the State of Rajasthan. He is further directed to take into consideration the suggestions given by the petitioner for improving the situation of the *Madarsas* operating in the State of Rajasthan.

List on 27.10.2026.

(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

68-69/Sanjay Solanki