

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.810 of 2016
IN
Civil Writ Jurisdiction Case No. 6451 of 2015**

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1. Md. Jannat Son of Fakir Mohammad resident of Village - Mangasihal, P.S. - Marauna, District - Supaul, Secretary, Madarsa Islahia Manirul (Madarsa Old no. 1002, New no. 2131), Village - Mangasihal, P.S. - Marauna, District - Supaul.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Bihar State Madarsa Education Board through its Incharge Secretary, Patna.
4. The Chairman, Bihar State Madarsa Education Board, Patna.
5. The District Education Officer, Supaul.
6. The District Programme Officer, Supaul.
7. Abdus Shakoor son of late Md. Rafique resident of village - Jingwa, P.S. - Marauna, District - Supaul, the Self - declared Secretary of the Managing Committee of Madarsa Manirul Uloom, Village - Manganihal, P.O. - Percoach, P.S. - Marauna, District - Supaul.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abdul Mannan Khan, Adv.
Mr. Bhola Kumar, Adv.
For the State Respondent/s: Mr. Ravish Chandra, AC to SC-6
For Respondent Madarsa Board: Md. Rashid Alam, Alam, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-08-2016

Heard Mr. Abdul Mannan Khan, learned Counsel,
appearing on behalf of the appellant, and Mr. Ravish Chandra,
Assistant Counsel to learned Standing Counsel No.6, appearing on
behalf of the State-respondents. Heard also Mr. Rashid Alam,
learned Counsel, appearing on behalf of the respondent Madarsa

Board.

Aggrieved by the impugned order, dated 18.03.2015 (Annexure-6 to the writ petition), passed by Chairman, Bihar State Madarsa Education Board, whereby the writ petitioner's Madarsa was de-recognized, the appellant herein filed a writ petition, which gave rise to C.W.J.C. No.6451 of 2015.

In view of the fact that the writ petition involved disputed questions of fact with regard to the validity of the management committee of the Madarsa, in question, the learned single Judge has declined, by the order under appeal, passed in C.W.J.C. No.6451 of 2015, to interfere with the order, dated 18.03.2015, making it clear that the petitioner may challenge the order, dated 18.03.2015, in a suit.

Having regard to the fact that the impugned order, dated 18.03.2015, aforementioned, is, admittedly, an appealable order and the appeal lies under Section-28 of the Bihar State Madarsa Education Board Act, we make it clear that the writ petitioner-appellant may, as sought for, remain at liberty to challenge the impugned order, dated 18.03.2015, either in appeal or in such other manner as may be permissible in law.

With the above modification in the order, dated

11.02.2016, this appeal stands disposed of.

There shall be no order as to costs.

(I. A. Ansari, CJ)

(Samarendra Pratap Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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