

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17254 of 2015

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Md. Zafar Kamal Alvi, Son of Md. Basheer, Secretary of the Present Managing Committee of Madarsa Rahmania, Village - Mehsaul (Madarsa No. 49), Police Station + District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar
2. Dr. Vijay Kumar Pandey, the Joint Director, Secondary Education (Appellate Authority), Department of Education, Bihar, Patna.
3. The Bihar State Madarsa Education Board, Patna through its Chairman.
4. The Chairman, the Bihar State Madarsa Education Board, 5-Vidyapati Marg, Patna.
5. The Secretary, the Bihar State Madarsa Education Board, 5-Vidyapati Marg, Patna.
6. The S.D.O. Sitamarhi.
7. Abdul Wadood, the Head Moulvi of Madarsa Rahmania Mehsaul, Police Station and District - Sitamarhi (Madarsa No. 49) and Ex-Officio Member of the present Managing Committee.
8. Md. Alauddin Bismil, Son of Md. Manzar Alam, Resident of Village + Post Office - Mehsaul Got, Police Station and District - Sitamarhi, Ex- Secretary of Managing Committee of Madarsa Rahmania, Mehsaul, Sitamarhi. (Madarsa No. 49)

.... Respondents

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Appearance :

For the Petitioner	:	Md. Shamimul Hoda, Advocate
For the State	:	Mr. Ajeet Kumar, S.C.28
For Res. No.8	:	Md. Anisur Rahman, Advocate
For Madarsa Board	:	Md. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 28-04-2016

Annexure-3 is the order dated 29.09.2015, passed in Appeal No.21/2014. By virtue of this order, the order dated 17.07.2014, passed by the Chairman of the Madarsa Board has been held to be illegal in view of the settled law that the Chairman unilaterally has no powers to approve or disapprove a Managing Committee. It is the "Board".

Since the proposition of law which has been applied in the present case does not suffer from any illegality and the core issue was the validity of the order dated 17.07.2014, this Court will not interfere with the order of the appellate authority.

The Court also further opines that the finding given therein with regard to the status of either the petitioner or the private respondent may not be of any avail for the time being keeping in mind the specific direction given to the Madarsa Board to hold a fresh enquiry and constitute a new Managing Committee.

The writ application stands disposed of with the direction upon the Secretary, Bihar State Madarsa Education Board that he will get a fresh enquiry held in terms of the order of the Joint Director, Secondary Education dated 29.09.2015 and thereafter a decision should be taken by the Board on the said report or enquiry. All this must be done within a period of three months.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.04.2016
Transmission Date	