

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10605 of 2016

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Faizul Uloom Madarsa, Kabai Banghara, P.S. Ghato Via - Dalsingsarai,
District - Samastipur through its Secretary Md. Aslam son of late Md.
Shafique resident of village - Nayatola, Babhangawa, P.S. Ghato, District –
Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, R.K.Mahajan, Education Department, Govt. of Bihar, Patna, New Secretariat, Bailey Road, Patna.
2. The Director, Secondary Education, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
3. The Bihar State Madarsa Education Board, Patna through its Chairman, Patna.
4. The Secretary, Bihar State Madarsa Education Board, Patna.
5. The District Programme Officer (Establishment), Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Basant Kumar Choudhary, Senior Advocate
Mr. Arvind Kumar, Advocate

For the Respondent State: Mr. J. K. Roy-1, S.C.-13

For the Respondent Madarsa Board : Mr. Md. Rashid Alam, Advocate

For the Respondent Intervener : Mr. Pratik Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 08-11-2016

After having heard the petitioner, the interveners, who have intervened through I.A. No. 8007 of 2016, which is allowed, the issue is confined to enforcement/implementation of the order passed by the Joint Director, Secondary Education, Government of Bihar. The said order is dated 09.06.2016 and has now been brought on record as Annexure-25 along with the supplementary affidavit of the petitioner.

The counsel for the intervener has many a things to say about the correctness or otherwise of the said decision.

The said counsel cannot be permitted to challenge the said decision collaterally, looking at their status in this writ petition, at this juncture.

The petitioner has filed an interlocutory application and has also prayed for a direction upon the authorities of the Madarsa Board to implement the order contained in Annexure-25.

A copy of the said application is Annexure-30, dated 10.10.2016.

The writ petition stands disposed of with an observation that if the said order of the Joint Director does not suffer any legal challenge, then there is an obligation to implement the said order.

The authorities of the Madarsa Board would be well advised to take a decision within a period of two months from the date of production of a copy of this order.

Writ petition stands disposed of with the above direction.

(Ajay Kumar Tripathi, J)

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