

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19927 of 2016

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Md. Mahfooz, Son of Late Md. Khalid, Resident of village - Gharha, P.S. Pupri, District - Sitamarhi, the Secretary of Madarsatul Banat, Village + P.O. Garha, P.S. Pupri, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Director, Secondary Education, Govt. of Bihar, Patna
2. The Joint Director, Secondary Education, Govt. of Bihar, Patna
3. The Bihar State Madarsa Education Board, Vidyapati Marg, Patna
4. The Chairman of the Bihar State Madarsa Education Board, Vidyapati Marg, Patna
5. The Secretary of Bihar State Madarsa Education Board, Vidyapati Marg, Patna
6. The District Education Officer, Sitamarhi
7. The Old Managing Committee of the Madarsatul, Banat At /P.O. Gardha, P.S. Pupri, District - Sitamarhi through Mashhood Azam, Son of Late Md. Sulaiman, Resident of village - Garha, P.S. Pupri, District - Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman
For the Respondent/s : Mr. MADANJIT SINGH- GP20

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 22-12-2017 The order dated 24.5.2016, passed by one Vijay Kumar Pandey, Joint Director (Secondary Education) acting as an appellate authority under Section 28 of the Bihar State Madrasa Education Board Act is under challenge in the present writ application.

2. I need not go into the merits of the rival contentions being made on behalf of the parties for the simple reason that this Court in its decision dated 21.08.2017 passed in CWJC No. 19290 of 2016, has held the said Dr. Vijay Kumar Pandey not to



be duly appointed appellate authority under the Act.

3. Following the said decision, the impugned order, dated 24.05.2016 (Annexure-6) is, hereby, quashed.

4. The matter is remanded back to the newly appointed appellate authority under Section 28 of the Act for passing an order afresh in accordance with law. The party shall be at liberty to bring to the notice of the appellate authority all the facts for proper adjudication of the appeal.

5. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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