

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1057 of 2017

=====

Md. Ekbal Ahmad, Son of Israil Ahmad, resident of Village- Nauka Dih,
P.S.- Barahat, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary-cum-Chairman, Human Resources Development Department, Sachivalaya, Patna.
2. The District Education Officer, Banka.
3. The Secretary, Bihar State Madarsa Education Board, Patna.
4. The Secretary, Madarsa, Islamia Kaithatikar P.O. Narayanpur, Vis-Barahat, District- P.S.- Barahat, District- Banka.
5. The Md. Kafil Ahmad, Son of Md. Nasiruddin, resident of Village-Lakhanpur, P.O.- Narayanpur P.S.- Barahat, District- Banka.
6. Md. Arfat, Son of Md. Kashar, Resident of Village- Kathitikar, P.O.- Narayanpur, P.S.- Barahat, District- Banka.
7. Md. Nasimun Nazar, Son of Md. Mustaque Auem, Resident of Village-Karampur, P.O.- Parsa, P.S.- Godda, District- Godda.
8. The Md. Irafil, Assistant Teacher, Madarsa Islamia Kathitikar, P.O. Narayanpur, Via- Barahat P.S.- Barahat, District- Banka.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Tiwary, Advocate
For the Respondent/s : Mr. Pramod Kumar Singh- AC to SC16
For the Madrasa Board : Mr. Rashid Alam, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 04-12-2017 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the Bihar State Madarsa Education

Board.

Mr. Shailendra Kumar Tiwary appearing on behalf of

the petitioner submits that petitioner is head Maulvi Madarsa

Islamia Kathitikar, District-Banka.

He submits that he has been authorized by Managing



Committee of Madarsa to file the present writ application.

Mr. Rashid Alam appearing on behalf of the Madarsa Board submits that the petitioner is one of the members of the Committee who took decision and the decision was approved by the Madarsa Board and as such the present writ application is not maintainable. He submits that petitioner has alternative remedy by way of preferring an appeal and as such the petitioner may be relegated to exhaust alternative remedy.

Mr. Tiwary on the other hand, submits that the entire action is totally without jurisdiction and as such alternative remedy is not a bar in entertaining the writ petition.

Without entering into the controversy, the writ petition is disposed of with direction to the Bihar State Madarsa Board Education to take decision on one way or the other, if there is a fresh decision taken by the Committee with regard to interest of respondent no.5 to 8.

In case, the Madarsa Education Board is required to pass any order which may adversely affect the interest of respondent nos. 5 to 8, the Madarsa Education Board is required to give notice to the respondent nos. 5 to 8 and only after hearing them, the Board may pass appropriate order. In case, the Board is of the view that the claim of the petitioner does not merit any



consideration, in that situation, no notice is required to be served on the respondent nos. 5 to 8. The Madarsa Education Board is required to take final decision on the decision taken by the Madarsa contained in Annexure-3 at the earliest, preferably within a period of 60 days.

It is made clear that this court has not expressed any opinion on the merit of the case and Madarsa Education Board is free to take decision without being influenced by any observation made in this order.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

