

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1162 of 2017

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Managing Committee Of Madrasa Faizul Quran Fulhara through its President
Md. Hakimuddin, Son of Sanhar Ali, Resident of Village Fulhara Aambari,
P.O.- Raipur, P.S.- Paharkatta, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The District Education Officer, Kishanganj, District- Kishanganj.
3. The District Programme officer, Kishanganj, District - Kishanganj.
4. The Block Education Extension Officer, Pothia Block District- Kishanganj.
5. Bihar State Madrasa Education Board, 5, Vidyapati Marg, Patna through its
Secretary.
6. Chairman, Bihar State Madrasa Education Board 5, Vidyapati Marg, Patna.
7. Abdul Jalil, Son of Late Khalilur Rahman, resident of Village- Aambari,
P.S.- Raipur, P.S.- Paharkatta, District- Kishanganj, Secretary of Old
Managing Committee of Madrasa Faizul Quran, Fulhara Aambari, P.S.
Paharkatta, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha
For the Respondent/s	:	Mr. JITENDRA KUMAR ROY NO-1 SC-13
For the Board	:	Mr. Md. Rashid Alam, Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 11-12-2017 Heard learned counsel for the parties.

2. The writ application has been filed seeking quashing of
the order as contained in Memo No. 373, dated 23.11.2016,
passed by the Joint Director (Secondary Education) in his
capacity as appellate authority in Appeal No. 21 of 2016,



whereby he has set aside the decision of the full Board of the Bihar State Madrasa Education Board as contained in Memo No. 2644-42, dated 13.06.2016.

3. It transpires from the materials on record that the Managing Committee of the petitioner of Madrasa Faizul Quran Fulhara in the District of Kishanganj was approved by the Board through the said communication, dated 13.06.2016 for a period of six months with a stipulation that further decision shall be taken in this regard subsequently.

4. The appellate authority has, however, set aside the decision of the Madrasa Board on the ground of certain illegalities mentioned therein. After setting aside the approval accorded by the Madrasa Board, the appellate authority has directed the Board to seek report from the District Education Officer and thereafter, after placing the enquiry report of the District Education Officer before the Board and after getting approval, issue and order for constitution of the new Managing Committee.

5. Mr. Durga Nand Jha, learned counsel appearing on behalf of the petitioner has submitted that the impugned order is beyond jurisdiction inasmuch as the said Joint Director, Dr. Vijay Kumar Pandey, was not duly authorized to entertain the



appeal as an appellate authority as has been held by this Court in CWJC No. 19290 of 2016 dated 21.08.2017.

6. I would have considered the question of competence of the appellate authority as raised by the learned counsel for the petitioner. However, I find that the Joint Director (Secondary Education) found the order of the Madrasa Board of constituting the Managing Committee for a term of six months to be beyond jurisdiction, which aspect is not being disputed even by the learned counsel for the petitioner inasmuch as it was not within the jurisdiction of the Board to approve a Managing Committee for a period of six months. Secondly, there are certain disputed facts in respect of the claim of the petitioner as duly constituted Managing Committee.

7. In view of the above and in the interest of justice, I dispose of this writ application with a direction to the Madrasa Board to call for an enquiry report from the District Education Officer and place the said enquiry report before the full Board of the Madrasa Board as has been directed in the impugned order, dated 23.11.2016, and proceed for constitution of a new Managing Committee of the Madrasa in question. The entire exercise must be completed within a period of three months from the date of receipt/production of a copy of this order, if the



same has not already done.

8. This disposes of the application.

(Chakradhari Sharan Singh, J)

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