

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15541 of 2015

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Managing Committee of Madarsa Basharatia at village & P.O.- Kherma Pathara.
Vias & P.S.- Kewti Ranway, District- Darbhanga through its Secretary Mufti Ejaz
Ahmad Quasmi @ Ejaz Ahmad, S/o Dr. Abdul Razik, resident of village Kherma
Pathara, Via- Kewti Ranway, P.S. Kewti, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Human Resource Department of Bihar, Patna.
2. The Bihar State Madarsa Education Board Vidyapati Marg, P.S. Kotwali, District- Patna.
3. The Chairman, Bihar State Madarsa Education Board, Patna.
4. The Secretary, Bihar State Madarsa Education Board, Patna.
5. The District Education Officer, Darbhanga.
6. The I.T. Manager Education Department of Bihar, Patna.
7. The Director (High Education) Department New Secretariat Bihar, Patna.
8. The Joint Director (High Education) Education Department of Bihar, Patna.
9. Md. Zahirul Haque, Son of Late Badrul Haque, Resident of Village & P.O.- Hussainpur, P.S. Rahika, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Adv.
For the Respondent-State: Mr. Rohitabh Das, AC to AAG-X
For the Madarsha Board : Md, Rashid Alam, Adv.
For the Respondent No.9 : Mr. Durga Nand Jha, Adv.
Md. Naseem Mukhtar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 01-05-2017

The present application has been filed for quashing of order dated 28.05.2015, passed by the learned Joint Director (Higher Education), Education Department, Bihar, Patna in Appeal No. 33 of 2014, whereby he has allowed the appeal preferred against decision of Madarsa Shiksha Board issued vide Memo No. 4758-67 dated 13.08.2014. The said Appeal has evidently been allowed in favour of respondent no.9.

It is the case of the petitioner that in a local public meeting



held on 12.09.2013, a decision was taken to constitute a Managing Committee of Madarsha Basharatia in which Md. Ziaullah Sahab was elected as the President and Respondent No. 9- Md. Zahirul Haque as the Secretary, which was sent to Madarsa Board. It is further case of the petitioner that the Madarsa Board did not take any decision, and a fresh meeting was held on 17.01.2014 in which in place of Respondent No.9, Mafti Eaza Ahmad Quasmi (petitioner) was elected as the Secretary. The said decision of the public meeting dated 17.01.2014, was conveyed to Madarsa Board and, accordingly, Madarsa Board constituted a committee with Md. Ziaullah Sahab as the President and Mafti Eaza Ahmad Quasmi as its Secretary.

The said decision of Madarsa Board was assailed by the respondent no.9 by preferring an appeal before the Joint Director (Higher Education), Education Department, Bihar, Patna, whereupon the impugned order has been passed. It was the plea of the respondent no. 9 before the Joint Director that there was no meeting held on 17.01.2014. It was the plea of the respondent no.9 that the Madarsa Board and the petitioner acted in collusion with each other in constitution of the committee on the basis of so-called meeting held on 17.01.2014 which, in fact, was never held. Before the appellate authority, both the parties had appeared.

Learned counsel for the petitioner has submitted that the Board had passed the order after giving both the parties an



opportunity of hearing and, therefore, the correctness of the finding by the Board that the public meeting was held on 17.01.2014 electing the President and Secretary of the Board cannot be disputed.

I have perused the impugned order. From the impugned order I find that the Joint Secretary came to a definite conclusion that there was no meeting held on 17.01.2014 and, as a matter of fact, there was no need of subsequent meeting to be held on 17.01.2014. The Joint Secretary in his impugned order observed that the Board acting malafide removed the name of respondent no.9 as Secretary and in his place appointed the petitioner, namely, Mufti Ejaz Ahmad Quasmi @ Ejaz Ahmad as a Secretary.

Considering the facts and circumstances of the case, I do not find any justification in interfering with the impugned order passed by the Joint Director (Higher Education), Education Department, Bihar, Patna. There is no merit in this application.

The writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-052017
Transmission Date	

