

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14647 of 2016

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The Managing Committee of the Madrasa Manowarul Islam At & P.O.-
Sitalpur Via- Taiyabpur, District- Kishanganj through its Secretary Md.
Mushtaque son of Late Md. Ismail, At/P.O.- Sitalpur, P.S.- Paharkatta,
District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Joint Director, Secondary Education, Government of Bihar, Patna.
3. The District Education Officer, Kishanganj, District- Kishanganj.
4. The Bihar State Madrasa Education Board, Patna through its Secretary.
5. The Chairman, Bihar State Madrasa Education Board, Patna.
6. The Secretary, Bihar State Madrasa Education Board, Patna. Nos. 4 to 6-5
Vidyapati Marg, P.S.- Kotwali, District- Patna.
7. The New Managing Committee of Madrasa Manowarul Islam At & P.O.-
Sitalpur Via Taiyabpur, District Kishanganj through its Secretary Manzoor
Alam son of Late Akhtar Hussain, At & P.O.- Sitalpur, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Md. Anis Akhtar and
Mahtab Alam

For the State : Mr. Ranjan Kumar, AC to GA12

For the Madarsa Board : Mr. Rashid Alam, Advocate

For the Intervenor : Mr. Raj Nandan Prasad, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date : 03-11-2017

Heard parties.

It is submitted at the Bar that the issue involved in this case,
which has been specified in the order dated 16.3.2017, has already
been set at rest vide order dated 21.8.2017 passed by a Single
Judge Bench of this Court in CWJC No. 19290/2016 holding that
the appointment for the said purpose of concerned Joint Director,
Secondary Education, Mr. Vijay Kumar Pandey, was never



notified in the official gazette authorising him to function as appellate authority, and as such, he did not have any jurisdiction to pass any order.

Accordingly, this writ application also stands allowed in terms of the aforesaid decision and the Principal Secretary, Education Department is directed to notify an appellate authority under Rule 3 of the Bihar State Madarsa Education Board Control (Appeal) Rules, 1983 Rules, for exercising power under Section 28 of the Bihar State Madarsa Education Board, Act, 1981 and the impugned order contained in Annexure 5 is set aside. The appellate authority, so appointed will be required to consider afresh Appeal No. 53 of 2014. However, if appellate authority has already been notified in terms of the direction given in the aforesaid decision then the said appellate authority should hear, consider and dispose of the Appeal No. 53 of 2014 on its own merit and in accordance with law.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2017
Transmission Date	NA

