

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17976 of 2012**

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Wajahul Quamar Son Of Md. Islamuddin Resident Of Village- Tharkachpur  
Gangihat, P.S. Bahadurganj, District- Kishanganj

... .. Petitioner/S

Versus

1. The State Of Bihar
2. The Chief Secretary-Cum-Commissioner, Department Of Education,  
Government Of Bihar, Patna
3. The Principal Secretary, Department Of Education Government Of Bihar,  
Patna
4. The Director, Secondary Education, Department Of Education, Government  
Of Bihar, Patna
5. The Special Director, Secondary Education, Department Of Education,  
Government Of Bihar, Patna
6. The Bihar State Madarsa Education Board, Patna Through Its Secretary 5  
Vidyapati Marg, P.S. Kotwali, District- Patna
7. The Chairman, Bihar State Madarsa Education Board, Patna, 5 Vidyapati  
Marg, P.S. Kotwali, District- Patna
8. The Secretary, Bihar State Madarsa Education Board, Patna, 5 Vidyapati  
Marg, P.S. Kotwali, District- Patna
9. The District Education Officer, Kishanganj, District- Kishanganj
10. The Managing Committee Of Madarsa Ashrafuluhoom Augigachh, Altabari  
Gangihat, P.S. Bahadurganj, District- Kishanganj Through Its President Gul  
Mohammad
11. Soban Mustansar Ahmad Son Of Master Tauheed Alam Resident Of Village-  
Tharkachpur, P.S. Bahadurganj, District- Kishanganj 'AT Present At Saban  
And Associates' R/O 278-A (BASEMANT) Behind Pan- Pacific Toor And  
Travels, Okhla Main Road, Jamia Nagar, New Delhi
12. Nasima Khatoon Wife Of Late Aminuddin Resident Of Village- Gangi P.S.  
Bahadurganj, District- Kishanganj

... .. Respondent/s

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**Appearance :**



|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Md. Anis Akhtar, Advocate |
| For the State        | : | Mr. Vijay Bharti, AC to SC 7  |
| For Madarsa Board    | : | Md. Rashid Alam, Advocate     |
| For the intervenor   | : | Mr. Firoj Ahmad, Advocate     |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 20-11-2018**

Heard Mr. Firoz Ahmad, learned counsel appearing on behalf of the intervenor.

For the reasons stated in the interlocutory application (I.A. No. 8665 of 2018), prayer for intervention is allowed.

Mr. Anis Akhtar, learned counsel appearing on behalf of the petitioner submits that the only issue warranting adjudication in the present writ petition is whether the Special Director, who is ex-officio member of the Madarsa Board, is competent to hear appeal against the decision of the Madarsa Board. This issue has already been answered by this Court in series of cases earlier.

In view of the above, the order passed by the Special Director, as contained in Annexure-10, against the order of the Madarsa Board cannot sustain. It is, accordingly, quashed. The matter is remanded back to the Special Secretary, Education Department, who has been authorised to hear appeal against the decision of the Madarsa Board. The Special Secretary is directed to hear and decide the appeal in accordance with law at the earliest preferably within a maximum period of four months from the date of receipt/production of a copy of this order. It is needless to say



that the Special Secretary shall provide opportunity of hearing to all concerned before taking decision in accordance with law.

With the aforesaid, the writ petition stands allowed and disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

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| AFR/NAFR          | NAFR       |
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