

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13541 of 2014

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Md. Nasimul Haque, son of Adus Sattar, resident of village- Babla Bona,
P.O.- Pardiya via Manihari, P.S. Manihari, District- Katihar Petitioner/s
Versus

1. The State Of Bihar
 2. The Principal Secretary, Department of Education, Government of Bihar,
Patna
 3. The Director, Secondary Education, Department of Education,
Government of Bihar, Patna
 4. The Special Director, Secondary Education, Department of Education,
Government of Bihar, Patna
 5. The Bihar State Madarsa Board, Patna through its Secretary
 6. The Chairman, Bihar State Madarsa Education Board, Patna
 7. The Secretary, Bihar State Madarsa Education Board, Patna
 8. The District Education Officer, Katihar, District- Katihar
 9. The Managing Committee of Madarsa Sulaimania Babla Banna, P.S.
Manihari, District- Katihar through its Secretary, Md. Abdus Sattar, son
of Hazi Ishaque Biswas, Resident of Babla Banna, P.S. Manihari,
District-Katihar
 10. The Head Moulvi Madarsa Sulaimania Babla Banna, P.S. Manihari,
District-Katihar Respondent/s
- =====

Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar, AC to GA-XI
For Madarsa Board	:	Md. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 08-08-2018

Learned counsel for the petitioner is permitted to make
necessary correction during the course of the day.

2. Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State as well as the Madarsa
Board.

3. Learned counsel for the petitioner submits that the
petitioner was validly appointed against sanctioned vacant post.
Referring to the judgment of this Court he submits that there is no
requirement of the approval of the Madarsa Board for the
appointment made by the Managing Committee.



4. Learned counsel for the Madarsa Board submits that the Managing Committee of the Madarsa is now non-functional and there was dispute as to the appointment of the petitioner which was favoured by the then Secretary of the Managing Committee of the Madarsa.

5. Without going into the aforesaid controversy, the writ petition is disposed of with a direction to the District Education Officer, Katihar to consider the claim of the petitioner and if it is found that he was validly appointed in accordance with law and he has actually worked, he should take step for payment of salary and pass appropriate order for payment. If necessary he may solicit information with regard to validity of the appointment of the petitioner from the Madarsa Board also. The entire exercise must be completed within a period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2018
Transmission Date	

