

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2236 of 2013

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1. Md. Qamare Alam, Son of Md. Kazim, Resident of Village - Kathmadia, P.S. Shikarganj, District - East Champaran
 2. Manawar Hussain, Son of Late Md. Hadees, Resident of Village - Rasoolpur, P.O. Sagar Dina, P.S. Shikarganj, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Minority Welfare Govt. of Bihar, Patna
2. The Bihar State Madarsa Education Board, Patna, Through It's Chairman
3. The Chairman of Bihar State Madarsa Education Board, Patna
4. The Secretary, Bihar State Madarsa Education Board, Patna
5. The Special Director, Secondary Education, Education Department, Govt. of Bihar, Patna
6. The District Education Officer, East Champaran at Motihari
7. The Managing Committee of Madarsa Islamia Faizul Uloom At and P.O. Pakridayal , District - East Champaran through its Secretary, Md. Ramzan Ali Ansari
8. Md. Najmul Hoda, Head Modarris Madarsa Islamia Hamidia At Rasoolpur, District - East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alim Jung Khan, Advocate
For the Respondent/s : Mr. Sushil Kumar Singh, AC to AAG-10
For the Madarsa Board : Mr. Md. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 27-08-2018

Heard learned counsel for the petitioners and State as well as Madarsa Board.

2. The only issue involved in the present writ application is whether the Special Director, Secondary Education, who is ex-officio member of the Madarsa Board can sit in appeal for the decision against the Madarsa Board in which he is ex-officio member.



3. The issue is no more res-integra in view of the fact that similar issue was examined by this Court in C.W.J.C. No. 5595 of 1995 [**The Man. Comm., Madarsa Faizul Uloom (Kabai Banghara Vs. The State of Bihar & Ors.**, reported in **2013 (1) PLJR 263**].

4. In view of the above, the order as contained in Memo No. 133 dated 23.07.2012 (Annexure-5) cannot sustain. It is, accordingly, quashed.

5. Subsequently, the Special Secretary, Secondary Education has been vested with the power to hear the appeal against the decision of Madarsa Board, the matter is remitted back to the Special Secretary, Secondary Education to hear the appeal against the decision of the Madarsa Board and pass fresh order within a period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	

