

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5199 of 2017

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1. Sami Ahmad Son of late Md. Zubair Resident of Village- Thengpur,
P.O. Bahauddinpur, P.S. Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Special Director, Secondary Education, Govt. of Bihar, Patna.
3. The Joint Director, Secondary Education, Govt. of Bihar of Bihar, Patna.
4. The Bihar State Madarsa Education Board, Patna through its Secretary.
5. The Chairman, Bihar State Madarsa Education Board, Patna.
6. The Secretary, Bihar State Madarsa Education Board, Patna.
7. The District Education Officer, Muzaffarpur.
8. The Block Education Extension Officer, Musahari, District- Muzaffarpur.
9. Md. Shamim Son of not known Ex-Secretary of Madarsa Sharful Uloom
Tengpur, P.O. Bahauddinpur, P.S. Paroo, Distt- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman
For the Respondent/s : Mr. Madanjit Singh- Gp20

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 18-06-2018 The petitioner is aggrieved by an order issued by

Memo No. 376 dated 26.12.2016 passed by Mr. Vijay Kumar
Pandey, Joint Registrar, Secondary Education, Govt. of Bihar,
Patna in Appeal No. 39/2014, whereby an appeal preferred by the
petitioner under the provisions of Bihar State Madarsa Education
Board Act, 1981 (*hereinafter referred to as the 'Act'*) has been
dismissed.

Learned counsel appearing on behalf of the
petitioner is correct in his submission that this Court in C.W.J.C.



No. 19290 of 2016 in case of *Managing Committee of Madarsa Darul Hoda Vs. The State of Bihar & Ors.* reported in **2017(4) PLJR 592** has held that said Vijay Kumar Pandey did not have the authority to act as an Appellate Authority under Section 28 of the Act.

The impugned order dated 26.12.2016 is, accordingly, set aside.

It has been informed that appellate power has now been duly conferred to another person who is exercising such powers under Section 28 of the Act.

The matter is remitted back to the newly appointed appellate authority with a direction to pass an order afresh on the petitioner's application.

This application is allowed with the aforesaid observation.

(Chakradhari Sharan Singh, J.)

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