

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3782 of 2014

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1. The Managing Committee, Madarsa Ashrafia Rahmana, Village And P.O. Mathour, P.S. Qusba, District- Purnea, Madarsa No. 318, Through It'S Secretary Dr. Abbas
 2. Ghulam Ashraf Son Of Late Md. Ibrahim The President Managing Committee Madarsa Ashrafia Allah Rahmani, R/O Village And P.O. Mathour, P.S. Quasba, District- Purnea, Madarsa No. 318
 3. Dr. Abbas Son Of Turao Resident Of Village + P.O. Mathour, P.S. Qasba, District- Purnea, The Secretary Managing Committee, Madarsa Ashrafa Rahmania, Village + P.O. Mathour, P.S. Qasba, District- Purnea, Madarsa No. 318
 4. Md. Mojibur Rahman Son Of Md. Illyas Resident Of Village And P.O. Mathour, P.S. Qasba, District- Purnea, Member
 5. Md. Manzoor Alam Son Of Md. Moinuddin Resident Of Village + P.O. Mathour P.S. Qasba, District- Purnea, Member
 6. Taha Son Of Md. Yasim Resident Of Village + P.O. Mathour, P.S. Qasba, District- Purnea, Member
 7. Md. Amin Son Of Maselhuddin Resident Of Village + P.O. Mathour, P.S. Qasba, District- Purnea, Member
 8. Abu Qaisar Hashmi Son Of Md. Hashmi Resident Of Village + P.O. Mathour, P.S. Qasba, District- Purnea. Petitioner No. 4 To 8 Members Managing Committee, Madarsa Ashrafia Rahmania, Village + P.O. Mathour, District- Qasba, District- Purnea, Madarsa No. 318
 9. Mustaque Ahmad, Head Maulvi, Madarsa Ashrafia Rahmania Village + P.O. Mathour, P.S. Qasba, Distt. Purnea

... .. Petitioners

Versus

1. The State Of Bihar Through Principal Secretary Human Resources Development Department, Bihar, Patna
2. The Special Director (Secondary Education) Incharge Madarsa, Government Of Bihar, New Secretariate, Patna
3. The Bihar State Madarsa Education Board, Vidyapati Marg, Patna Through It'S Secretary
4. The Chairman, Bihar State Madarsa Education Board, Vidyapati Marg, Patna
5. The Secretary, Bihar State Madarsa Education Board, Vidyapati Marg, Patna
6. The District Education Officer, Purnea
7. Shahabuddin Son Of Alamuddin Resident Of Village + P.O. Mathour, P.S. Qasba, District- Purnea, Secretary, Out Going Managing Committee, Madarsa Ashrafia Rahmania, Village + P.O. Mathour, P.S. Qasba, District- Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Farooque Moazzam
For the Respondent/s	:	Mr. Gyan Shankar, AC to GP-2
For the Madarsa Board	:	Mr. Md. Rashid Alam

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH



ORAL ORDER

6 20-08-2018 The impugned order, dated 21.05.2013, has been passed in Appeal No. 23 of 2012 by the Special Director (Secondary Education), Government of Bihar, against the decision of the Bihar State Madarsa Education Board.

It is not in dispute that the said Special Director did not have the jurisdiction to act as an appellate authority on the decision of the Board in the light of this Court's decision in case of *Md. Shamim Vs. The State of Bihar & Ors.* (C.W.J.C. No. 9799 of 2012) rendered on 19.09.2013.

The impugned order dated 21.05.2013, passed in Appeal No. 23 of 2012 by the Special Director (Secondary Education), Government of Bihar, is accordingly set aside as beyond jurisdiction. Appeal No. 23 of 2012 is remitted to the competent authority, as notified by the State Government under the Act, for fresh consideration and decision.

This application stands allowed.

(Chakradhari Sharan Singh, J)

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