

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3722 of 2017

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1. Managing Committee of Madarsa Deniya at Rampur P.O. - Chhotaipatti
Via Rayam Factory, District Darbhanga through its Secretary Md. Nasar
Reza, Son of Late Md. Sagir Reza, resident of village - Pilakhwara, P.O.
Chhotaipatti, P.S. Keoti, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna
3. The Director Secondary Education, Govt. of Bihar, New Secretariat, Patna
4. The District Magistrate, Darbhanga
5. The District Education Officer, Darbhanga
6. The District Programme officer (Establishment), Darbhanga
7. The Bihar State Madarsa Education Board, Patna through its Secretary 5 Viyapati Marg, Patna 800001
8. The Chairman Bihar State Madarsa Education Board, Patna 5 Viyapati Marg Patna 800001
9. The Secretary, Bihar State Madarsa Education Board, Patna 5 Viyapati Marg Patna 800001
10. Md. Zahirul Haque, Son of Not Known, resident of village - Chandrasainpur, P.S. Raika, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar, Adv.
For the State		Mr. Sanjay Kumar, AC to GP-17
For the Respondent No. 10		Mr. Durga Nand Jha, Adv.
		Mr. Nurul Hoda, Adv.
		Mr. Anisur Rahman, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 04-01-2018 Impugned is an order dated 23.01.2017 passed by Dr.

Vijay Kumar Pandey, Joint Director, (Secondary Education),

Education Department, Government of Bihar, Patna.

There is no dispute about the fact that this Court vide

order dated 21.08.2017 passed in CWJC No. 19290 of 2016



(Madarsa Darul Hoda, Sikarana Vs. State of Bihar) has held that Dr. Vijay Kumar Pandey was not duly notified to function as the appellate authority under the provisions of Bihar State Madarsa Education Board Act, 1981.

It is stated at the Bar that an appellate authority under the said provision has been notified.

In view of what has been held in the case of Madarsa Darul Hoda (Supra) the impugned order dated 23.01.2017 needs interference. The order is hereby set aside. The matter is remitted back to the competent appellate authority to pass an order afresh within a period of three months from the date of receipt of production of a copy of this order.

It is observed that the appellate authority shall provide due opportunity of hearing to both the parties. Before passing the order.

This writ application is allowed.

(Chakradhari Sharan Singh, J)

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