

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16662 of 2016

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Harun Rashid Son of Md. Tahir Hussain R/o Village- Basbari, Post- Paraiya,
Via- Madanpur, District- Araria.

... .. Petitioner/s

Versus

1. The Bihar State Madarsa Education Board, Patna through its Chairman.
2. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The District Education Officer, Araria.
5. The Madarsa Islahulnishwan Jamia Rahmania, Village- Dahogan, P.O.- Pararia, Via- Madanpur, District- Araria through its Secretary.
6. The Management Committee through its Chairman, Madarsa Islahulnishwan Jamia Rahmania, Village- Dahgoan, P.O.- Pararia, Via- Madanpur, District- Araria.
7. Md. Sahnawaz Son of Rajaul Haque R/o Village+Post- Parariya, Via- Madanpur, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the Respondent/s : Mr. Madanjeet Singh-Gp20

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 29-11-2018

Counsel for the petitioner seeks permission to correct the
description of respondent no. 1 in the cause title.

2. Let the same be done in course of the day.

3. For providing grant to different affiliated Madarsas in
the State of Bihar a communication was issued by the Principal
Secretary, Human Resource Development Department on
15.02.2011 whereby the District Education Officer, Araria held
an enquiry with respect to the teaching and non-teaching staff of
the Madarsa namely, Islahulnishwan Jamia Rahmania, Village-
Dahogan, P.O.- Pararia, Via- Madanpur, District- Araria.



Pursuant to the enquiry conducted by the District Education Officer, Araria it is submitted by counsel for the petitioner that the name of the teaching and non-teaching staff in the said Madarsa was communicated to the Secretary, Bihar State Madarsa Education Board, Patna under his report dated 06.01.2012 wherein the petitioner has been shown at serial no. 5 in the list of teaching staff with his date of appointment as 04.01.2010.

4. Petitioner is aggrieved by the fact that second enquiry report dated 19.03.2013 has also been submitted in respect of the same Madarsa wherein in place of the petitioner's name one Md. Sahnawaz has been inserted, though from the list of teaching staff appended to the enquiry report dated 19.03.2013 it is apparent that the date of appointment of said Md. Sahnawaz is 15.08.2011 i.e., much later to the date of appointment of the petitioner. Aggrieved by the said enquiry report and the fact that pursuant thereto the Madarsa had stopped taking work from the petitioner, he approached the respondent no. 1 by his representation which is dated 06.10.2015. It is his submission that till date the respondent no. 1 has not taken any decision on the said representation, resulting in continuous deprivation on the basis of an illegal and incorrect enquiry report dated



19.03.2013 contrary to the earlier report dated 06.01.2012.

5. Since the issue is pending consideration before the respondent no. 1, no useful purpose would be served by keeping the instant proceeding pending. The respondent no. 3 should take a final decision on the petitioners' representation (Annexure 3) within a period of 8 weeks from the date of receipt/production of a copy of this order after hearing the parties concerned in accordance with law by a reasoned and speaking order.

6. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

