

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18579 of 2017

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The Managing Committee Of the Madrasa Islahia Bilaitibari Kharga, P.S. & District-Kishanganj through its Secretary Abdul Hassan, son of Imtiyaz Ali, Resident of Mohalla Bilaitibari, Khagra, P. S. and District-Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Special Director, Secondary Education, Government of Bihar, Patna.
3. The Joint Director, Secondary Education, Government of Bihar, Patna
4. The District Education Officer district-Kishanganj
5. The District Programme Officer (Establishment) Kishanganj District-Kishanganj.
6. The Bihar State Madrasa Education Board, Patna through its Secretary.
7. The Chairman, Bihar State Madrasa Education Board, Patna
8. The Secretary, Bihar State Madrasa Education Board, Patna Nos. 6 to 8 are 5 Vidyapati Marg P.S. Kotwali, District-Patna
9. The Managing Committee of the Madrasa Islamia Balaitibari Khagra, P.S. District-Kishanganj through its Secretary Mofizuddin, son of Late Hazi Anis Mohammad resident of Mohalla-Khagra Bilaitibari P.S. & District-Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad
For the Respondent/s	:	Mr. Smt.Binita Singh -SC-8
For Madrasad Board	:	Md. Rashid Alam, Advocate
For the Pvt. Respondent :		Md. Shamimul Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 09-07-2018 An interim order passed by Dr. Vijay Kumar Pandey, Joint Director (Secondary Education), Government of Bihar, dated 07.11.2017 in Appeal No. 36 of 2017, whereby approval of the petitioner's Managing Committee by Bihar State Madrasa Education Board, dated 05.10.2017 has been stayed, is being assailed in the present writ application.

2. A plea has been taken that in the light of this



Court's decision in case of ***Managing Committee of Madrasa Darul Hoda, Sikrona*** dated 21.08.2017, (CWJC No. 19290 of 2016), the said Dr. Vijay Kumar Pandey, Joint Director (Secondary Education), Govt. of Bihar, could not have exercised the powers of the appellate authority under Bihar State Madrasa Education Board Act. He has submitted that the said interim order is null and void, in view of the law discussed in case of ***Managing Committee of Madrasa Darul Hoda, Sikrona*** (supra).

3. In view of the nature of order, which I intend to pass in the present proceeding, since the main appeal is still pending before the appellate authority and someone else has been appointed as appellate authority in place of Dr. Vijay Kumar Pandey, I need not interfere with the impugned order at this stage, which has remained in force already for nearly eight months.

4. This application is disposed of with a direction to the appellate authority to dispose of the appeal within a period of two months from today positively. In case the appellate authority is not able to dispose of the appeal within the aforesaid of two months, he will have to seek leave from this Court, for the said purpose.



5. It is further directed that in the event of non-disposal of the appeal within two months, the interim order dated 07.11.2017, shall not be given effect to, thereafter.

6. This application stands disposed of.

7. This Court expects the parties to cooperate in disposal of the appeal before the appellate authority.

(Chakradhari Sharan Singh, J)

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