

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7392 of 2017

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The Managing Committee Of The Madarsa Islahia Bilaitibari Kharga, P.S. & District- Kishanganj through its Secretary Abul Hassan Son of Imtiyaz Ali Resident of Mohalla- Bilaitibari, Khagra, P.S. & District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Special Director, Secondary Education, Govt. of Bihar, Patna.
3. The Joint Director, Secondary Education, Govt. 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
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- Bilaitibari, Khagra, P.S. & District- Kishanganj.
10. Shafique Alam Son of late Md. Zakaria Resident of Village Chapur, P.S. Chakaba District- Uttar Dinajpur (West Bengal).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad
For the Respondent/s	:	Mr. Jai Prabhat Kishore, AC to SC13
For the Madarsa Board	:	Mr. Rashid Alam
For respondent no. 10	:	Mr. S. Hoda

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 06-03-2018 Heard Mr. Raj Nandan Prasad, learned Counsel for the petitioner and Mr. Rashid Alam, learned Counsel appearing for the Bihar State Madarsa Board. Respondent No. 10 has entered appearance on notice through Mr. Md. S. Hoda, learned Counsel.



Their appears to be no contrversy among the parties over the fact that in view of this Court's decision, in the case of **Managing Committee of Madarsa Darul Hoda v. The State of Bihar and Others**, reported in **2017 (4) PLJR 592**, the appellate authority, who passed the impugned order, did not have the jurisdiction to exercise such power.

In that background, learned Counsel for respondent no. 10 does not have any objection if the impugned appellate order is quashed and the matter is remanded back to the appellate authority, competent to decide the appeal within the stipulated period of time.

In view of the above, the impugned order, as contained in memo no. 26, dated 10.04.2017, passed by the Joint Director, Secondary Education, Government of Bihar (Annexure 5/C), is hereby quashed. The matter is remanded back to the appellate authority under the Bihar State Madarsa Education Board Act, 1981, to pass appropriate order on the appeal preferred by respondent no. 9.

The Court directs the appellate authority to dispose of the appeal within a period of three months from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to the parties.



This application is allowed.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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