

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17466 of 2018**

Md. Jawaid Ahmad, Son of Khallque Ahamad, through the Secretary of Madarsa Ashrafia Nezamia Fatehpur, Mdarsa No. 184, P.S.- Sabour, District- Bhagalpur. R/o Village & P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Bailey Road Patna.
2. The Special Director, Secondary Education Government of Bihar, Patna.
3. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna.
4. The Secretary, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna.
5. The District Magistrate, Bhagalpur.
6. The District Education Officer, Bhagalpur.
7. The District Programme Officer (Establishment), Bhagalpur.
8. The President, Managing Committee, 'Madarsa Ashrafia Nezamia Fatahpur', Mdarasa No. 184, P.S.- Sabour, District- Bhagalpur.
9. The Secretary, Managing Committee, 'Madarsa Ashrafia Nezamia Fatahpur' Mdarasa No. 184, P.S.- Sabour District- Bhagalpur.
10. Ghulam Mohammad, Son of Ghulam Yazdani, Resident of Village + P.O.- Machipur, P.S.- Goradih, District- Bhagalpur.
11. Md. Nematullah, Son of Md. Mokhtar, Resident of Village + P.O.- Machipur, P.S.- Goradih, District- Bhagalpur.
12. Md. Mokarram Shahin, Son of Late Mashihuzzaman Resident of Village + P.O.- Uttar Tola, Barapura, P.S. Ishakchak, District- Bhagalpur.
13. Md. Neyaz Ahmad, Son of Md. Mahmood, Resident of Village - Arya Tola, P.S.- Sabour, District- Bhagalpur.
14. Ghulam Ahmad Raza Ashrafi, Son of Ghulam Nabi, Resident of Village- Muslim Tola, P.S.- Sabour, District- Bhagalpur.
15. Md. Yasir Arafat, Son of Abutorab Ashrafi, Resident of Village- Rajpur, P.S.- Sabour, District- Bhagalpur.
16. Md. Simnani, Son of Gulam Rahman, Resident of Village- Fatehpur, P.S.- Sabour, District- Bhagalpur.
17. Zainul Abedin, Son of Md. Ashfaque Ahmad, Resident of Village- Fatehpur, P.S.- Sabour, District- Bhagalpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Md. Najmul Hodda  
For the Respondent/s : Mr. Madanjeet Kumar -Gp20

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      05-09-2018

The petitioner has put to challenge the Memo No.



4598-4608 dated 07.06.2018, issued by the Secretary, Bihar State Madarsa Education Board, Patna, whereby the approval has been accorded to the appointment of teaching and other non-teaching staff of 'Madarsa Ashrafia Nezamia Fatahpur', Madarsa no. 184, Sabour in the district of Bhagalpur, on the basis of a resolution passed by a non-existing Managing Committee of the said Madarsa, according to the petitioner.

Indisputably, the petitioner has a remedy of appeal under Section 28 of the Bihar State Madarsa Education Board, Act.

This application is, accordingly, disposed of with liberty to the petitioner to approach the appellate authority for the relief which is being sought in the present application. It is indicated that if the petitioner approaches the appellate authority within a fortnight from today, the appellate authority shall, while considering the condonation of delay, take into account the fact that the petitioner was pursuing his remedy before this Court by way of writ application.

This application stands disposed of.

**(Chakradhari Sharan Singh, J)**

Ashish/-

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