

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19795 of 2019

=====

The Managing Committee of Madarsa Islamia Bochi, P.S.- Araria, District- Araria through its Secretary Badrul Haque @ Md. Badrul Haque, aged about 58 years (Male), Son of Late Riyazuddin, resident of Village- Bochi, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Special Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, District- Araria.
4. The Block Education Officer, Block- Araria, District- Araria.
5. The Bihar State Madarsa Education Board through its Secretary 5- Vidyapati Marg, P.S.- Kotwali, District- Patna.
6. The Chairman, Bihar State Madarsa Education Board, through its Secretary 5- Vidyapati Marg, P.S.- Kotwali, District- Patna.
7. The Secretary, Bihar State Madarsa Education Board through its Secretary 5- Vidyapati Marg, P.S.- Kotwali, District- Patna.
8. Haider Yasin, Son of Late Md. Yasin, resident of Village- Mahisakul, P.O. Bansbari, District- Araria, Pincode- 854311.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Akshansh Ankit, Advocate
For the State	:	Mr. Prabhakar Jha, G.P. 22
For the Madarsa Board	:	Mr. Md. Aslam Ansari, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing for the Madarsa Board.

Petitioner is aggrieved by the order contained in 'Annexure 4', a office order issued by the Secretary of Bihar State Madarsa Education Board on the direction of the



Chairman of the Madarsa. The office order was passed in anticipation of post facto approval of the Madarsa Board. Such course of passing order in anticipation of post facto approval is per se illegal and unauthorized action and cannot be accepted as legal and valid exercise of power.

Considering the manner in which the office order was issued, the Court is left with no option but to quash such office order which is passed without jurisdiction and in arbitrary manner. Accordingly, 'Annexure 4' is quashed. However, quashing of 'Annexure 4' will not dis-entitle the Madarsa Board to take appropriate decision in this matter in accordance with law.

(Anil Kumar Upadhyay, J)

uma/-

U			
---	--	--	--

