

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21167 of 2019

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Iftekhhar Alam, S/o Fateh Mohammad, resident of Village- Kumhar Toli, P.S.- Bahadurganj, Dist.- Kishanganj, at present, president of newly approved managing Committee, Madarsa Imadadia, Kumhar Toli, Madarsa no. 501, Bahadurganj, Dist.- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Govt. of Bihar, Patna.
2. The Chairman, Bihar State Madarsa Board, 5, Vidyapati Marg, Patna.
3. The Secretary, Bihar State Madarsa Board, 5, Vidyapati Marg, Patna.
4. The District Education Officer, Kishanganj.
5. The District Programme Officer, (Establishment) Kishanganj.
6. Dr. Md. Noor Islam, Inspector and Academic Incharge, Bihar State Madarsa Educational Board, 5 Vidyapati Marg, Patna.
7. Md. Mansor Alam, Rashida Head Maulvi, Madarsa Imdadia, Kumhartoli, P.S.- Bahadurganj, Kishanganj.
8. Hifzurrehman, S/o Late Azizurrehman, R/o Kumhar Toli, P.S.- Bahadurganj, Dist.- Kishanganj, at present, Secretary Madarsa Imadadia Kumhar Toli, Madarsa no. 501, Bahadurganj, Dist.- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Upadhyay, Advocate
For the State	:	Mr. Hitesh Suman, A.C. to S.C. 13
For Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 02-12-2019

Heard learned counsel for the parties.

2. It appears on perusal of the pleadings in the writ application that there is dispute over management of *Madarsa Imdadia (Madarsa No. 501)*. The petitioner is seeking direction restraining the newly approved Managing Committee of the said *Madarsa* led by respondent No. 8 from holding its meeting. It



transpires that there is an order issued on 08.07.2017 under the signature of *Bihar State Madarsa Education Board*, whereby the Managing Committee headed by respondent No. 8 has been approved by the Board. The said decision is also sought to be challenged in the present writ application, by seeking amendment, through I.A. No. 01 of 2019.

3. It is the case of the petitioner that he is duly elected Chairman of the newly Management Committee of the said *Madarsa*, after no confidence motion was successfully introduced and he was elected.

4. Be that as it may, it is an admitted position that the petitioner has statutory remedy of appeal under Section 28 of *Bihar State Madarsa Education Board Act, 1981*.

5. Considering the above, this writ application is disposed of with a liberty to the petitioner to question the correctness of the said decision of the Board dated 8.7.2017.

6. It has been stated in the writ application that the petitioner did not have any knowledge about the order passed by the Board dated 8.7.2019. It is accordingly, observed that if any question of limitation arises before the Appellate Authority, the Appellate Authority shall consider the said aspect and the fact that the petitioner was pursuing his case before this Court by filing the



present writ application, for the purpose of considering petitioner’s application for condonation of delay.

7. The I.A. No. 01 of 2019 stands disposed of.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05/12/2019
Transmission Date	N.A.

