

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9175 of 2020

1. Md. Mahboob Alam Son of Md Yousuf Resident of Village- Harpokher, P.O. and P.S.- Paharkatta, District- Kishanganj, Presently working as Assistant Teacher Inter Trained in Madrasa Zeenatul Quran At and P.O.- Ratwa, Mandrasa No. 557, District- Kishanganj.
2. Mazahirul Islam Son of Md. Mojibur Rahaman Resident of Village- Shakor, P.O.- Natwapara, Madrasa No. 445, District- Kishanganj.
3. Md. Shafi Ahmad Son of Md. Badruddin Resident of Village- Near Madrasa Panisal, P.O.- Singhiaa, P.S. and District- Kishanganj, Presently working as Head Maulvi in Madrasa Anwarul Uloom, Panisal, Madrasa No. 850, District- Kishanganj.
4. Md. Shamshad Alam Son of Md. Bashiruddin Resident of Village and P.O.- Maria, P.S.- Paharkatta, District- Kishanganj, Presently working as Head Maulvi in Madrasa Islamia Talimul Quran, Koltha Maria, Madrasa No. 589, District- Kishanganj.
5. Md. Irfan Rahi Son of Md Ilyas Resident of Village- Sitajhari, P.O. and P.S.- Paharkatta, District- Kishanganj, Presently working as Assistant Teacher Matric Trained in Madrasa Islamia Talimul Qurana, Koltha Maria, Madrasa No. 589, District- Kishanganj.
6. Md. Qasim Anwar Son of Md. Hafizuddin Resident of Village- Fulbasti Ratwa, P.O.- Maria, P.S.- Paharkatta, District- Kishanganj, Presently working as Assistant Teacher Alim in Madrasa Islamia Talimul Qurana, Koltha Maria, Madrasa No. 589, District- Kishanganj.
7. Md. Shahnawaz Alam Son of Md. Fazir Resident of Village- Ward No.01 Mohiuddinpur, P.O. and P.S.- Kishanganj, District- Kishanganj, Presently working as Assistant Teacher Inter Trained in Madrasa Mohammadia Mohiuddinpur, Madrasa No. 1238, District- Kishanganj.
8. Anzar Alam Adil Son of Md. Shafi Resident of Village- Bholmara, P.O.- Bholmara, P.S.- Thakurganj, District- Kishanganj, Presently working as Assistant Teacher Alim in Madarsa Al- Hasna, Padampur, Madarsa No. 507, District- Kishanganj.
9. Md. Shamim S/o Baharuddin At Paithan Toil Maghia, Ward No. 34, District- Kishanganj, at present working as Assistant Teacher Hafiz in Madrasa Mahammadia, Mohiuddinpur, District- Kishanganj.
10. Ali Ahmad S/o Abdul Hafiz R/o At Tengarmari, P.O.- Gachhpara, Isa and District- Kishanganj at present as Assistant Teacher Matric Trained in Madrasa Saiful Uloom Tehgarmani, P.O.- Gachhpara Via and District- Kishanganj.
11. Tanweer Ahmad S/o Md. Nasim Akhtar R/o at Nowkatta, P.O.- Pothia Via Taiyabpur, District- Kishanganj at present working on the post of Aalim in Madarsa Islahul Muslemine at and P.O. Panbara via Taiyabpur, District- Kishanganj.
12. Md. Tanweer Alam S/o Lal Mohammad R/o at Haropokhar Ratua, P.O.- Pahaskalta, District- Kishanganj, at present working on the post of Molvi in Madrasa Jauhar-e-Islam at and P.O. Masia Via Taiyabpur, District-



Kishanganj.

13. Nisar Ahmad S/o Babul Rashid R/o At Mazkari, P.O.- Singharhia Santha, District- Kishanganj at present working on the post of Maulvi in Madrasa Islamia Mahboobia Idgah Mazkari, P.O.- Sohandar Via District- Kishanganj.
14. Wali Ahmad S/o Maulana Aiyoob Resident of Bohita, P.O.- Kochadhaman, Via Santha, District- Kishanganj at present working on the post of Alim in Madrasa Islamia Mahboobia Idgah Mazkari, P.O.- Shohandar, District- Kishanganj.
15. Noor Zafar Imam S/o Ziayur Rahman R/o Bhag Poonas, P.O.- Saritha, District- Kishanganj at present working on the post of I.A. Trained in Madrasa Ziyaul Uloom Naskali Hat, P.O.- Maudah, District- Kishanganj.
16. Moazzam Ali S/o Md. Tahir Ahmad R/o Narkali, P.O.- Maudah, District- Kishanganj, at present working on the post of Matric Trained in Madrasa Zeyaluloom Narkahi Hat, P.O.- Maudah, District- Kishanganj.
17. Abul Kalam Azad S/o Abdul Halim R/o Shah Nagara Bad Tola, P.O.- Angarh, Via Son tha District- Kishanganj at present working on the post of Aalim in Madrasa Zeyul Ukrom, Narkoli Hat, P.O.- Maudha, District- Kishanganj.
18. Md. Hussain Ahmad S/o Master Salimuddin R/o Muradpr, Siktihar, P.O.- Santha, District- Kishanganj, at present working on the post of Moulvi in Madrasa Zeyaluloom Narkala Hat, P.O. Maudha, District- Kishanganj.
19. Md. Ehsan Alam S/o Md. Azimuddin R/o Chandawar Tola Domohsi, P.O.- Bangwa Hat Via Bahadurganj, District- Kishanganj at present working on the post of Hafiz in Madrasa Wahidia Izharul Uloom Domhni Dohitia Chandwa, P.O. Bangwan Via Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Secondary Education Department, Government of Bihar, Patna.
5. The Special Director, Secondary Education Department, Government of Bihar, Patna.
6. The District Education Officer, Kishanganj.
7. The District Programme Officer (Establishment), Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate Mr. Firoz Ahmad, Advocate
For the Respondent/s	:	Mr.Lalit Kishore (AG)



Mr. Vikash Kumar, SC 11

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2020

Petitioner has prayed for the following relief(s):

“For quashing the resolution dated 31.08.2013 (contained in Annexure-17) of the education Department, Govt. of Bihar issued under the signature of the Joint Secretary Education Department Bihar, Patna. So far the petitioners are concerned and dispose of the writ petition in view of the CWJC No. 985 of 2015 disposed of on 27.03.2019 by this Hon’ble Court in the circumstances set forth below.”

Learned counsel for the petitioner states that the petitioner shall be content if directions are issued to the respondents to consider and decide the petitioner’s request which the petitioner shall be making within a period of four weeks from today, indicating as to how their cases are covered vide judgment dated 27.03.2019 passed in C.W.J.C. No. 985 of 2015, titled as Imran Alam & Anr. Vs. The State of Bihar & Ors.,(Annexure-18) as also dated 27.03.2019 passed in C.W.J.C. No. 17445 of 2015, titled as Md. Alam & Ors. Vs. The State of Bihar & Ors., (Annexure-19).

State has no objection to the same.



As such, the petition is disposed of with the following mutually agreeable terms:

The petitioner shall file a representation before the concerned respondent/s within a period of four weeks;

If such a representation is filed by the petitioner, the authority concerned is directed to consider and decide the same expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

It stands clarified that the proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed



and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.12.2020
Transmission Date	

