

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.520 of 2021**

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Kamaluddin Ansari, Son of Khalil Ahmad Ansari, Resident of Near Dwar  
Devi Chock, P.S. - Bettiah Town, District- Bettiah, Bihar.

... .. Petitioner

Versus

1. The Bihar State Madarsa Education Board, through its Chairman, Apex Tower, Harun Nagar, Sector - 02, Phulwari Sharif Patna- 801505.
2. The Bihar State Madarsa Education Board, through its Secretary, Apex Tower, Harun Nagar, Sector- 02, Phulwari Sharif Patna - 801505
3. The Secretary, Managing Committee, Madarsa Islamiya Kherdeur, Mahna, P.O. and P.S. - Chanpatiya, District- West Champaran, (Madarsa NO. 889)
4. The Principal Secretary, Department of Education, Government of Bihar.
5. The District Education Officer, West Champaran, Bettiah.
6. The District Program Officer, Establishment, West Champaran, Bettiah.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate  
For the Respondent/s : Mr.Lalit Kishore (Ag)

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date : 07-10-2021**

Heard learned counsel for the petitioner and learned  
counsel for the respondents.

2. The following reliefs as formulated by the petitioner  
have been claimed in the writ petition-

*“(a) For issuance of a writ in the nature of Certiorari,  
quashing the Memo No. 2378 dated 28.07.2020 passed  
by Chairman, Bihar State Madarsa Education Board-  
whereby and whereunder, he has been pleased to  
cancel shifting/transfer of Petitioner from Madarsa  
Islamiya Meghwal, Mathiya, Ramnagar, West  
Champaran (Madrassa No.80) to Madarsa Islamiya*



*Kherdeur, Mahna, P.O.+P.S-Chanpatiya, District-West Champaran (Madarsa No. 889) made by then Chairman Bihar State Madarsa Education Board vide order dated 18.08.2006-communicated vide Memo No. 2315-19 dated 19.08.2006 under the signature of Secretary, Bihar State Madarsa Education Board and order of promotion of Petitioner made vide Memo No. 11906-08 dated 28.12.2019 by the Chairman Bihar State Madarsa Education Board, from Alim to post of Head Moulvi in absolutely illegal and arbitrary manner.*

*(b) For holding and declaring that the impugned order contained in Memo No.2378 dated 28.07.2020, passed by the Chairman, Bihar State Madarsa Education Board, is illegal, arbitrary and contemptuous as the present Chairman has been restrained from exercising the function of the Chairman vide order dated 05.09.2019 passed in CWJC No. 18427 of 2019 but even thereafter he has passed the impugned order.*

*(c) For holding and declaring that the order contained in Memo No. 2378 dated 28.07.2020, passed by the Chairman, Bihar State Madarsa Education Board, is illegal and arbitrary as shifting/transfer of petitioner made vide then Chairman Bihar State Madarsa Education Board vide order dated 18.08.2006-communicated vide Memo No. 2315-19 dated 19.08.2016 under the signature of Secretary, Bihar State Madarsa Education Board and order of promotion of petitioner made vide Memo No. 11906-08 dated 28.12.2019 by the Chairman Bihar State Madarsa Education Board, from Alim to the post of Head Moulvi was done as per existing rules.*



*(d) For holding and declaring that Memo No. 2315-19 dated 19.08.2006 issued under the signature of Secretary, Bihar State Madarsa Education Board, by which petitioner was shifted/transferred from Madarsa Islamiya Meghwal, Mathiya, Ramnagar, West Champaran (Madrasa No.80) to Madarsa Islamiya Kherdeur, Mahna, P.O.+P.S-Chanpatiya, District-West Champaran (Madarsa No. 889) cannot be cancelled after 14 years as same was done as per law.*

*(e) For any other appropriate reliefs which may be given to the petitioner under the given facts of the case”.*

3. After some arguments, learned counsel for the petitioner seeks permission to withdraw the application with liberty to approach the respondent-Board for redressal of his grievances.

4. Permission is granted. The petition accordingly stands dismissed as withdrawn with the aforesaid liberty.

**(Vikash Jain, J)**

V.K.Pandey/-

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