

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10867 of 2020**

=====

Md. Neyaz Ahmad, Son of Md. Salimuddin Resident of village - Chilhenia,  
P.S. - Jalagarh, District- Araria at present C/o- Dr. Idris Ahmad Mohalla -  
Dujra Main Road, Buddha Colony, P.S. - Buddha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Home Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Education Department, Government of Bihar, Patna.
5. The Special Secretary, Education Department, Government of Bihar, Patna.
6. The Special Director, Secondary Education, Department of Education, Government of Bihar, Patna.
7. The Principal Secretary, Vigilance Department, Government of Bihar, Patna.
8. The Director Vigilance, Vigilance Department, Government of Bihar, Patna.
9. The Chairman, Bihar State Madarsa Education Board, Patna.
10. The Secretary, Bihar State Madarsa Education Board, Patna.
11. Mr. Abdul Qaiyum Ansari, the Chairman, Bihar State Madarsa Education Board, Patna.
12. The Md. Seyeed Ansari, the Secretary, Bihar State Madarsa Education Board, Patna.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Vikas Kumar, Advocate  
For the Respondent/s : Mr. Smt. Shilpa Singh, G.A. 12

=====

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

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

**Date : 28-06-2021**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



“For a direction to respondent authorities of the State of Bihar Particularly Respondent No. 4 and Respondent No. 7 for instituting an inquiry against omission/commission committed by Respondent No. 11 in his capacity as Chairman, Bihar State Madarsa Education Board (Hereinafter referred to as Board).

b. For a direction to Respondent No. 4 to take steps for removal of Respondent No. 11 from the office of Chairman of the Board as neither he possesses requisite qualification in terms of Section 10 of Bihar State Madarsa Education Board Act, 1981 (hereinafter referred to as Act) nor he is discharging his duty and responsibility consistent with the object of the Act.

C. For restraining the Respondent No. 11 from discharging the functions of Chairman of the Board during the period, the inquiry regarding omission/commission committed by him is concluded.

d. For a direction to Respondent No. 4 to make interim arrangement in terms of Section 13 of the Act.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from



today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

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



(e) 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;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.  
All issues are left open;

(h) 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;

The petition stands disposed of in the aforesaid terms.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

veena/rajiv-

|                   |      |
|-------------------|------|
| AFR/NAFR          | NAFR |
| CAV DATE          | NA   |
| Uploading Date    |      |
| Transmission Date | NA   |

