

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11787 of 2019

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1. Md. Israfil, Son of Late Md. Nasiruddin, resident of Village Makhanpur, P.O. Narayanpur, P.S.- Barahat, District- Banka.
 2. Md. Kafil Ahmad, Son of Late Md. Nasiruddin, resident of Village Makhanpur, P.O. Narayanpur, P.S.- Barahat, District- Banka.
 3. Md. Arfat, Son of Md. Kausar, resident of Village Kaithatkar, P.O. Narayanpur, P.S.- Barahat, District- Banka.
 4. Md. Nasimun Nazar, Son of Md. Mustakim, Resident of Village- Vikrampur, P.O.- Parsa, P.S. Parsa, District Godda (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department Govt.of Bihar, Patna.
2. The Special Director, Secondary Education Govt. of Bihar, Patna.
3. The District Education officer, Banka.
4. The Bihar State Madarsa Education Board, Videyapati Marg Patna through its Secretary.
5. That Secretary Bihar State Madarsas Education Board, Vidyapati Marg, Patna.
6. That Chairman, Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
7. The Managing Committee of the Madarsa Islamia Kaithatkar P.O. Narayanpur, P.S. Barahat, District Banka, through its Secretary Md. Sohrab.
8. The Managing Committee of Madarsa Islamia, Kaitha Tikar P.S. Barahat, District- Banka, through Arshad Hussain as Secretary.
9. The Head Maulvi of the Madarsa Islamia, Kaitha Tikar, P.S. Barahat, District- Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate Md. Anisur Rahman, Advocate
For the State	:	Mr.Hitesh Suman, AC to SC 13
For Madarsa Board	:	Mr. Shri Prakash Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 15-03-2021 Heard learned counsel for the petitioners and the respondents

The petitioners seek quashing of the order dated
2.5.2019 passed by the Chairman of the Bihar State Madarsa



Education Board, Patna by which the promotion of petitioner no. 1 and appointment of petitioner nos. 2 to 4 has been cancelled and direction has been issued for fresh appointment.

Learned counsel for the petitioners submits that the impugned order was passed without opportunity of hearing to the petitioners.

Considering the submission of the petitioners that the impugned order dated 2.5.2019, as contained in Annexure-11 was passed without compliance of natural justice, the writ petition is allowed and the impugned order dated 2.5.2019, Annexure-11 is quashed.

The matter is remanded back to the Madarsa Board to take fresh decision in accordance with law within a maximum period of four months from the date of receipt/production of a copy of this order after providing opportunity of hearing to the petitioners and other stakeholders.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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