

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2299 of 2022

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Sabir Alam Son of Md. Yaseen Resident of Village- Dighli, P.O.- Balwa
Kaliganj, via Madanpur, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Special Director, Department of Education, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The District Education Officer, District- Araria.
5. The Block Education Officer, Block- Araria, District- Araria.
6. The Bihar State Madarsa Education Board through its Secretary, 5 Vidyapati Marg, P.S.- Kotwali, District- Patna.
7. The Chairman, Bihar State Madarsa Education Board, 5 Vidyapati Marg, P.S.- Kotwali, District- Patna.
8. The Secretary, Bihar State Madarsa Education Board, 5 Vidyapati Marg, P.S.- Kotwali, District- Patna.
9. Md. Noushad Alam, Secretary, Managing Committee, At Dighli, P.O.- Balwa Kaliganj, via Madanpur, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akshansh Ankit, Adv.
For the Respondent/s : Smt. Binita Singh (Sc28)

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 13-04-2022 Heard the parties.

The petitioner by way of this writ petition assails the order dated 10.08.2019 passed by the Chairman, Bihar State Madarsa Education Board, Patna, whereby a new Managing Committee has been approved without giving any opportunity of hearing to the petitioner.



Admittedly orders passed by the Chairman are appealable in terms of Section 28 of the Bihar State Madarsa Education Board Act, 1981, which reads as under:

“28 : Appeal against the orders of the Board :-- Any person or managing committee aggrieved with the decision of the Board or Chairman may file an appeal for final hearing within 60 days of the passing of the orders, to the State Government.”

Keeping in view that there is statutory remedy available under the Act, it would not be proper to entertain this petition in the interest of justice under the Article 226 of the Constitution of India at this stage. It is, therefore, directed, let the petitioner may approach the appellate body in terms of Section 28 of the Act.

If such an appeal is preferred, the same shall be decided on merits without going into the question relating to the limitation preferably within a period of three months.

The appellate body shall be also free to pass any order, if so required.

The writ petition stands disposed of.

(Sanjeev Prakash Sharma, J)

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