

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4793 of 2022

Imran Ahmad, Son of Late Abdul Moquit, resident of Village and P.O.-
Gaiyari, P.S.-Araria, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Old Secretariat, Patna.
2. The Bihar State Madarsa Education Board through its Secretary, Bihar, Patna.
3. The Chairman, Bihar State Madarsa Education Board, Bihar, Patna.
4. The Secretary, Bihar State Madarsa Education Board, Bihar, Patna.
5. Special Secretary cum Appellate Authority, Education Department, Government of Bihar, Patna.
6. Additional Chief Secretary, Education Department, Government of Bihar, Patna.
7. Regional Deputy Director, Araria Region, Education Department, Bihar, Patna.
8. District Education Officer, Araria.
9. District Programme Officer (Establishment), Araria.
10. Block Education Officer, Araria.
11. Principal Maulvi (Madarsa No-373) Madarsa Islamia, Gaiyari at Gaiyari, District-Araria.
12. Md. Khoda Dad, Acting as a Chairman, Managing Committee (Madarsa No-373) Madarsa Islamia, Gaiyari at Gaiyari, District-Araria.
13. Badru Doja, Acting as a Secretary, Managing Committee (Madarsa No-373) Madarsa Islamia, Gaiyari at Gaiyari, District-Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Kaushlendra
For the State	:	Mr.Kameshwar Kumar (Gp17), Mr. Arbind Kumar AC to GP-17
For the Madarsa	:	Md. Aslam Ansari, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 11-05-2022

Heard the parties.

The case is being taken up from defect side.



Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.

Admittedly, the petitioner challenged the formation of the Committee of the respondents, which was formed vide order dated 1.08.2019 by preferring Madarsa Appeal No. 44 of 2019. It is stated that despite of the appeal having been filed immediately after the passing of the order dated 1.8.2019, the appellate authority is sitting over the appeal and is not deciding the same for last more than two years and facing the said situation, the present writ petition has been filed.

Learned counsel appearing for the respondents is unable to support the delay being caused in disposal of the appeal. This Court is of firm view that the matters should not be left undecided and by default the other party should not be given any advantage.

The appellate authorities formed under the statute are required to adhere to time frame, which is usually prescribed under the Act. Even, otherwise, no reasons are coming forward for delay in disposal of the appeals.

Without further ado, it is directed that the appeal shall



be decided positively within a period of three months henceforth by speaking order. Parties shall be given an opportunity of hearing also for the said purpose.

Let, a copy of this order be sent to the Additional Chief Secretary, Education Department for implementation of the order.

Accordingly, the writ petition stands disposed of.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Sl. No. 28

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