

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23220 of 2018

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Javed Ali S/o Hajo Resident of Village-Khutti Hasaili, Nahar Tola Hansaili,
P.S.-Jagdi, District-Purnea, Secretary of Managing Committee of Madarsa
No. 1024, Ishlahia, Khutti Hasaili, Jageli Shree Nagar, Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna
3. The Director, Special Education Department, Bihar, Patna
4. The Madarsha Board, Bihar, Patna, through its Secretary
5. The Secretary, Madarsa Board, Bihar, Patna
6. The District Magistrate, Purnea
7. The District Education Officer, Purnea
8. Ali Murtaja S/o Mansoor Ali Resident of Village-Devi Nagar, Murli Rahnika, P.O.-Jageli, P.S.-Shree Nagar, District-Purnea. Appointed as Head Maulvi in Madarsa No. 1024, Ishlahia Khutti Hasaili Jageli, Shree Nagar, Purnea
9. Jahir Ali Son of Azad Ali Resident of Village-Devi Nagar, P.O. Jageli, P.S. Shree Nagar, District-Purnea. Appointed as Maulvi in Madarsa No. 1024, Ishlahia, Khutti Hasaili, Jageli, Shree Nagar, Purnea
10. Parvez Alam S/o Ishlam R/o Khutti Hasaili, P.O.-Jageli, P.S.-Shree Nagar, District-Purnea. Appointed as Teacher in Madarsa No. 1024, Ishlahia, Khutti Hasaili, Jageli, Shree Nagar, Purnea
11. Md. Mokim S/o Late Arshal Ali Resident of Village-Tilko Bari, P.O. Baunsi, P.S.-Baseti, District-Araria. Appointed as Teacher in Madarsa No. 1024, Ishlahia, Khutti Hasaili, Jageli, Shree Nagar, Purnea
12. Nurul Haque, the president, Madarsa No. 1024, Ishlahiya Khutti Hasaili, P.O. Jageli, P.S. Shree Nag

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sinha, Adv.
For the State	:	Mr.Jitendra Kumar Roy 1 -Sc13
For the Madarsa Board	:	Md. Aslam Ansari, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 15-11-2022 Admittedly under Section 28 of the Bihar State
Madarsa Education Board Act of 1981, appeal is preferred



against an order passed by the Chairman of Madarsa Board. The petitioner has directly approached this Court challenging the order of the Chairman solely on the ground that the earlier order declaring the petitioner committee was passed by the full board. And the Chairman does not have the jurisdiction to overwrite the orders of the Board.

This Court is satisfied that the aforesaid plea can always be taken up before the Appellate Authority since statutory remedy is available, granting liberty to the petitioner to prefer an appeal, the writ petition is accordingly disposed of.

If any appeal is preferred the same shall be decided expeditiously preferable within a period of six months.

(Sanjeev Prakash Sharma, J)

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