

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4167 of 2023

Manan Ansari @ Mannan Ansari Son of Khalil Ansari, Resident of Ward No. 04, Kadrabad, P.S.-Kadrabad, District-Begusarai, President of the Managing Committee of Madarsa Islahul Mishlemin Imamganj Qadrabad, P.O.-Qadrabad, P.S.-Bachhwara, District-Begusarai, Madarsa No. 1070.

... .. **Petitioner**

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Special Secretary-cum-Appellate Authority, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The Bihar State Madarsa Education Board, Sector-2, Haroon Nagar, Colony, Opposite-Khoja Imli, P.S.-Phulwarisharif, District-Patna.
5. The Chairman, Bihar State Madarsa Education Board, Sector-2, Haroon Nagar, Colony, Opposite-Khoja Imli, P.S.-Phulwarisharif, District-Patna.
6. The Secretary, Bihar State Madarsa Education Board, Sector-2, Haroon Nagar, Colony, Opposite-Khoja Imli, P.S.-Phulwarisharif, District-Patna.
7. The District Magistrate, Begusarai, District-Begusarai.
8. The District Education Officer, Begusarai.
9. The Block Education Officer, Bachhwara Block, District-Begusarai.
10. The Managing Committee of Madarsa Islahul Mishlemin Imamganj Qadrabad, P.O.-Qadrabad, P.S.-Bachhwara, District-Begusarai, Madarsa No. 1070 through its Secretary Md. Mazhar Hussain, son of Late Md. Zafiruddin, Resident of Village-Qadrabad, P.O.-Qadrabad, P.S.-Bachhwara, District-Begusarai.
11. Moulvi Zafrool Hussain, Head Moulvi, Madrasa Islahul Muslimin, Imamganj, Qadrabad, P.O. Qadrabad, P.S.-Bachwara, Distt-Begusarai.

... .. **Respondents**

Appearance :

For the Petitioner/s	:	Mr.Wasi Ahmad Khan, Advocate
For the State	:	Mr.Madanjeet Kumar, GP-20
For the Madarsa Board	:	Mr.Shahzad Hassan Khan, Advocate Mr.Md. Aslam Ansari, Advocate Mr.Sanjay Kumar, Advocate
For the Resp. No.11	:	Mr.Raj Nandan Prasad, Advocate Mr.Obaidur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD



ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner, learned counsel for the Madarsa Education Board and learned counsel for the respondent no. 11.

2. Petitioner, in the present case, is seeking quashing of the order dated 13.01.2023 contained in Memo No. 09 passed by the Appellate Authority, Education Department, Government of Bihar whereby and whereunder the Appellate Authority has, while disposing of the appeal No. 10/2022, directed the Madarsa Education Board to examine the matter including veracity of the claim of the managing committee on the basis of spot enquiry. The Appellate Authority has, in its order under challenge, directed the Board to pass an appropriate order within a period of three months after giving an opportunity of hearing to the concerned parties.

3. In view of the order passed by this Court on 20.06.2023 in the present case, the Board has filed a counter affidavit. Paragraph '7' of the counter affidavit reads as under:-

“7. That in compliance of the order dated 20.06.2023 in the instant case whereby and whereunder the



Madarsa Board has been asked as to *whether the Board has taken steps to implement that part of the order dated 13.01.2023 passed by the Special Secretary-cum-Appellate Authority by which a direction was issued to hear the concerned parties of the Madarsa and take an appropriate decision with regard to that*, this Hon'ble Court may take note that the concerned DEO Board under Board Letter No. 939 dated 27.06.2023 has been requested to examine the veracity of the managing committee on the basis of spot enquiry in the concerned madarsa and make available a copy of enquiry report to the Board so that in the light of the same, a further action could be taken by the office of the Board."

4. Learned counsel for the parties agree that this writ application may be disposed of taking note of the stand of the Board in paragraph '7' of it's counter affidavit but the Board should be directed to expedite the enquiry and hearing as it has already been delayed and it appears that the Board was sitting over the matter after the order was passed by the Appellate Authority as contained in Annexure '1' to the writ application.

5. This Court, therefore, disposes of this writ application with a direction to the Board and the District Education Officer, Begusarai (respondent no. 8) to ensure completion of spot enquiry and submission of report on all the points including the veracity of the managing committee of the Madarsa in question within a period of six weeks



from today. On submission of enquiry report by the respondent no. 8, the Board shall give notices to all the parties and shall take an appropriate decision in terms of the order of the Appellate Authority within an another period of eight (8) weeks.

6. It is made clear that the Board shall hear all the concerned parties who are likely to be affected.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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