

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4142 of 2023

Asfaque @ Asfak @ Md Ashfak @ Md Asfak Alam Son of- Jamil Uddin,
Resident of Village- Parwanpur, P.S.- Jokihat, District- Araria. Present
Secretary Managing Committee of Madrasa Sayeedul Banat Parwanpur, P.S.-
Jokihat, District- Araria Madrasa no. 1218.

... .. Petitioner

Versus

1. The State of Bihar through Special Director Secondary Education
Department of Bihar, Patna.
2. The District Education Officer, Araria District- Araria.
3. The Bihar State Madrasa Education Board Patna through its Secretary,
Haroon Nagar, P.S. Phulwari Sharif District- Patna.
4. The Chairman, Bihar State Madrasa Education Board Patna, Haroon Nagar,
P.S.- Phulwari Sharif, District- Patna.
5. The Secretary, Bihar State Madrasa Education Board Patna, Haroon Nagar,
P.S.- Phulwari Sharif, District- Patna.
6. Mozammil @ Mujammil, Son of- Aiyub Resident of Village- Girda P.S.-
Jokihat, District- Araria. New Secretary Managing Committee of Madrasa
Sayeedul Banat Parwanpur P.S. Jokihat, District- Araria Madrasa No. 1218.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Md. Ziaul Quamar, Advocate
For the Respondents	:	Mr.Prabhakar Jha, GP-27 Mr.Umesh Narayan Dubey, AC to GP-27
For the Madarsa Board	:	Mr.Shahzad Hassan Khan, Advocate Mr.Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-06-2023 Heard learned counsel for the petitioner and learned
counsel for the Bihar State Madrasa Education Board.

Petitioner, in this case, is seeking setting aside of the
order dated 31.12.2022 issued by the Secretary, Bihar State
Madarsa Education Board, Patna (hereinafter referred to as the
“Board”) whereby and whereunder the Secretary of the Board
has requested the District Education Officer, Araria to submit a



report after visiting the spot with regard to the Managing Committee in question and also to submit its views as to whether the Constitution of the Managing Committee is in accordance with the Rules of 2022 or not.

Learned counsel for the petitioner submits that there is a dispute between the two Managing Committee. The private respondent has earlier challenged the order of the Special Secretary, Secondary Education Department in Appeal No. 21/2022 which is pending before the Special Secretary-cum-Appellate Authority under Section 28 of the Bihar State Madarsa Education Board Act, 1981 (hereinafter referred to as the "Act of 1981"). It is further informed that petitioner is a party in the said appeal.

Learned counsel further informed that pursuant to the request made to the District Education Officer, the District Education Officer has already submitted a report, however, the Board has not taken any decision based on the said report.

Learned counsel for the Board submits that since the Board has not taken any decision on the basis of the report of the District Education Officer, the petitioner has no cause of action at this stage.

It is further submitted that so far as the dispute



between the two Managing Committee is concerned, the same is pending consideration in Appeal No. 21/2022 where the petitioner is also a party, hence he may seek his remedy before the Special Secretary-cum-Appellate Tribunal.

Having regard to the aforesaid submissions and the materials available on the record, this Court would agree with the submission of learned counsel for the Board. The grievance of the petitioner as regards Annexure '1' is prematured. Since the dispute between the two Managing Committee is pending before the Special Secretary-cum-Appellate Tribunal, this Court would direct the Special Secretary-cum-Appellate Tribunal to consider Appeal No. 21/2022 as early as possible and decide the same preferably within a period of four months from the date of receipt/production of a copy of this order.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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