

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5455 of 2023

Abdur Rabbani Son of Late Md. Nisarath Hussain, Resident of Village-
Gaighat, Tola- Taj Khand, P.O. Jalki, Via- Barsoi, P.S. Azamnagar, District-
Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Bihar State Madarsa Education Board Apex Tower, Haroon Nagar Sector-2, Phulwarisharif, Patna- 801505
4. The Chairman, Bihar State Madarsa Education Board Apex Tower, Haroon Nagar Sector-2, Phulwarisharif, Patna- 801505
5. The Secretary, Bihar State Madarsa Education Board Apex Tower, Haroon Nagar Sector-2, Phulwarisharif, Patna- 801505
6. The District Magistrate, Katihar.
7. The D.E.O., Katihar.
8. The D.P.R.O. (Establishment), Katihar.
9. The Block Education Officer, Barsoi, District- Katihar.
10. The President, Managing Committee, Madarsa, Saghiria, Gaighatatta, P.O. Jalki, Via Barsoi, District- Katihar, Pin- 8555102, Mad. No. 640
11. The Secretary, Managing Committee, Madarsa Saghiria Ghatta, District- Katihar, Mad. No. 640, Pin- 855102

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shahabuddin Azeem @ S. Azeem, Advocate
For the Madarsa Board	:	Mr.Shahzad Hassan Khan, Advocate
		Mr.Aslam Ansari, Advocate
		Md. Anis Akhtar, Advocate
For the State	:	Mr.Madhaw Pd. Yadaw (GP 23)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-06-2023 Heard Mr. Shahabuddin Azeem @ S. Azeem, learned
counsel appearing on behalf of the petitioner; Mr. Shahzad
Hassan Khan, learned counsel for the Bihar State Madarsa
Education Board (hereinafter to be referred as the ‘Madarsa



Board') and Mr. Madhaw Pd. Yadaw, learned GP 23 for the State.

2. The preset writ petition under consideration has been filed for following relief (s), as prayed in paragraph no.1 :

“For issuance of writ, writs, order, orders, direction, directions to the respondent authorities specially to the Principal Secretary, Education Department, Government of Bihar, Patna to pay the petitioner pensionary benefits as provided under the law to the other similarly situated employees of the Education Department as well as other employees of the different departments of the State of Bihar on the fact that the petitioner superannuated in the year 2021 from the post of Head Maulvi, Madarsa Saghiria Ghatta, Mad. No. 6400. District-Katihar.

And further be pleased to direct the District Education Officer. Katihar to pay the monthly salary for which the pay bill has been submitted to the District Education Officer, Katihar for the period 2019 to August, 2021 along with statutory interest as admissible in accordance with law.

And further be pleased to pass such order, orders as your Lordships may deem fit and proper in the facts and circumstances of the present case.

3. Learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with liberty to file a representation before the Additional Chief Secretary, Education Department, Government of Bihar for ventilating the grievance of the petitioner.



4. Permission granted.

5. Learned counsel for the State and the learned counsel appearing on behalf of the Bihar State Madarsa Education Board have no objection.

6. The present writ petition is disposed of with a direction to the authority concerned to dispose of the representation of the petitioner in accordance with law considering the limited prayer of the petitioner that he wants to make a detailed representation before the Chairman of the Bihar State Education Madarsa Board. The Chairman of the Madarsa Board is directed to dispose of the representation of the petitioner in accordance with law within a period of four weeks and in case he intends to reject the prayer of the petitioner, he must inform the petitioner and an opportunity of hearing must also be given to the petitioner.

7. It is made clear that internal communication has been made between the District Programme Officer (Establishment) and the District Education Officer, Katihar with respect to the grievance of the petitioner.

8. The District Programme Officer (Establishment) must ensure his presence before the Chairman of Bihar State Madarsa Education Board alongwith records relating to the



petitioner forthwith not beyond a period of three weeks from the date of passing of this order.

9. In case the District Programme Officer (Establishment) fails to appear before the Chairman of the Bihar State Madarsa Education Board, in that case the Chairman of the Madarsa Board is directed to inform the Additional Chief Secretary, Education Department for taking appropriate action against the concerned District Programme Officer (Establishment).

(Purnendu Singh, J)

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