

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6272 of 2023

Md. Illayas Alam S/o Afak Alam Resident of Belwa Kashibari P.S. and District Kishanganj Secretary of the Managing committee of the Madrasa Nawazia Belwa Kashibari, P.O.- Chakla Ghat, P.S. and District- Kishanganj (Madrasa No. 605).

... .. 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 Bihar, Patna.
3. The District Education Officer, Kishanganj
4. The District Programme Officer, Kishaganj.
5. The Block Education Officer, Kishanganj.
6. The Bihar State Madrasa Education Board, Patna through the Chairman.
7. The Secretary of the Bihar State Madarsa Education Board, Patna.
8. The Head Moulvi of the Madrasa Nawazia Belwa Kashibari, P.O.- Chakla Ghat, P.S.and District Kishanganj.
9. Sohail Akhtar, president of the Managing Committee of the Madrasa Nawazia Belwa Kashibari P.O.- Chakha Ghat, Kishanganj (Madrasa No. 605.)
10. Safrul Haque, Secretary of the Managing Committee of the Madrasa Nawazia Belwa Kashibari P.O.- Chakha Ghat, Kishanganj (Madrasa No. 605.)

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Sanjay Singh, Sr. Advocate Mr. Firoz Ahmad, Advocate
For the State	:	Mr.Subhash Chandra Mishra (SC-16)
For the Madarsa Board	:	Mr.Shahzad Hassan Khan, Advocate Mr.Aslam Ansari, Advocate Mr.Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-07-2023 Heard Mr. Sanjay Singh, learned senior counsel, Mr. Shahzad Hassan Khan, learned counsel for the Bihar Madarsa Education Board and Mr. Subhash Chandra Mishra, learned SC-16 for the State.



2. This writ application has been filed for setting aside the order dated 05.01.2023 (Annexure '11' to the writ application) passed by the Chairman, Bihar State Madarsa Education Board (hereinafter referred to as the "Board") whereby and whereunder the claim of respondent nos. 9 & 10 Managing Committee has been upheld and the claim of this petitioner has been rejected.

3. At the outset, learned counsel for the Board has submitted that the impugned order may be assailed in a statutory appeal under section 28 of the Bihar State Madarsa Education Board Act, 1981 (hereafter referred to as the "Act of 1981").

4. This Court finds substance in the submission of learned counsel for the Board. There being a statutory remedy of appeal available to the petitioner against the impugned order and there being an issue on fact also which may be gone into by the First Appellate Authority constituted under the Act of 1981, this Court is not inclined to entertain this writ application.

5. This writ application is being disposed of with liberty to the petitioner to seek his statutory remedy in appeal before the competent authority.

6. In case, any question of limitation would arise for consideration, the same will be considered keeping in view that



the petitioner was pursuing his remedy before this Court under legal advise and with some bonafide beliefs.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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