

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21573 of 2013

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1. Md. Akhtar Alam S/O Md. Affan Ali Resident Of Village- Vaisa Govindpur, P.O- Bangsara, P.S- Barari, District- Katihar.
 2. Md. Enamul Haque S/O Md. Usman Resident Of Village- Mohna Chandpur, P.O- Bangsara, P.S- Barari, District- Katihar.
 3. Md. Ibrahim S/O Md. Didar Hussain Resident Of Village- Mohan Chandpur, P.O- Bangsari, P.S- Barari, District- Katihar.

... .. Petitioner/s

Versus

1. Bihar State Madarsa Education Board
2. The Chairman, Bihar State Madarsa Education Board, Patna.
3. The Secretary, Bihar State Madarsa Education Board, Patna.
4. The District Education Officer, Katihar.
5. The Managing Committee, Madarsa, Azizia Mohna Chandpur, P.O- Basgara, P.S- Barari, District- Katiha
6. The Secretary, Managing Committee, Madarsa Azizia Mohna Chandpur Madarsa No. 634, P.O- Basgara, P.
7. Md. Mustaque Alam S/O Rahul Amin Resident Of Village- Bahia, P.S- Barari, District- Katihar For The Post Of Fazil.
8. Md. Motiur Rahman S/O Late Saibur Rahman Resident Of Village- Malukan, P.S- Manihari, Katihar For The Post Of Alim.
9. Md. Jahangir Alam S/O Abu Sayeed Resident Of Village- Jharkaha, P.S- Barari, District- Katihar For The Post Of Maulvi.

... .. Respondent/s

Appearance :

For the Petitioners	:	None
For the State	:	Mr.Prabhat Kumar, AC to GA XI
For the Board	:	Mr.Md. Aslam Ansari, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 06-02-2023 The petitioners have by way of this writ petition prayed for quashing the appointment granted to the respondents 7, 8 and 9 on the post of Fazil, Alim and Maulvi alleging that the appointment has been made in an arbitrary manner by the



Committee.

The counter affidavit has been filed and it is informed that the petitioners participated in the selection process and written as well as oral examination was conducted wherein the petitioners were unable to pass the same and were not selected.

Having noticed the aforesaid, this Court is of settled opinion that the person can not be allowed to approbate and reprobate at the same time once he has already participated in the selection process and remained unsuccessful he can not turn around and challenge the selection of other candidates.

The writ petition is already misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 43

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