

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16788 of 2019

1. Md. Saiful Islam Son of Shafey Ahmed Resident of MohammadpurKoari, P.O.- Mohammadpur, P.S.- Vaini, Ward No. 9, District- Samastipur. presently teaching and non-teaching employees MadarsaFaizulUloom, Chandchaur, Rahimtola, P.S. Ujiarpur, District- Samastipur.
2. Md. Jalil Ahmad S/o. FarmoodHussain Khan Resident of Ward No. 14, DeewaniTola, Sahugadh 1, P.S.- Madhepura, Village- Mahmadpur, District- Madhepura, Bihar- 852113. presently teaching and non-teaching employees MadarsaFaizulUloom, Chandchaur, Rahimtola, P.S. Ujiarpur, District- Samastipur.
3. Sharfuddin Son of Late Syed Kabiruddin Resident of Village- Bhairpatti, P.O.- Banghara, P.S.- Syhato, District- Samastipur. presently teaching and non-teaching employees MadarsaFaizulUloom, Chandchaur, Rahimtola, P.S. Ujiarpur, District- Samastipur.
4. Wasi Ahmad Son of Abu Mahammad Resident of Village- PuraNaodiha P.O. DhoiGhat, P.S.- Darbhanga Town, District- Darbhanga. presently teaching and non-teaching employees MadarsaFaizulUloom, Chandchaur, Rahimtola, P.S. Ujiarpur, District- Samastipur.
5. Md. NoorulHoda Son of Late Md. Younus Resident of Village- Mohania, P.O.- Kamroon, P.S.- Kamroon, District- Samastipur. presently teaching and non-teaching employees MadarsaFaizulUloom, Chandchaur, Rahimtola, P.S. Ujiarpur, District- Samastipur.
6. Md. Salauddin Son of Abdul Ahad Resident of Village- BishambharpurAilouth, P.O. Basaipur, P.S.- Musrighari, District- Samastipur. presently teaching and non-teaching employees MadarsaFaizulUloom, Chandchaur, Rahimtola, P.S. Ujiarpur, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Government of Bihar, Patna.
4. The Director Secondary Education, Government of Bihar, Patna.
5. The Bihar State Madarsa Education Board Patna through its chairman.
6. The Chairman Bihar State Madarsa Education Board, Vidhyapati Marg, Patna.
7. The Secretary Bihar State Madarsa Education Board, Vidhyapati Marg, Patna.
8. The District Education Officer Samastipur, P.S. and District- Samastipur.
9. The District Programme Officer (Establishment) Samastipur.
10. Tufail Ahmed Son of Late Md. Kalimuddin Claiming to be teaching employees of Madarsa Faizul Uloom, KabaiBanghara, P.S.- Dalsinghsarai, District- Samastipur.



11. Safdar Azam Son of Md. Zwyaurehamn Claiming to be teaching employees of Madarsa Faizul Uloom, KabaiBanghara, P.S.- Dalsinghsarai, District- Samastipur.
12. Iftekhhar Alam Son of not known Claiming to be teaching employees of Madarsa Faizul Uloom, KabaiBanghara, P.S.- Dalsinghsarai, District- Samastipur.
13. Md. Kaiser Javed Son of not known Claiming to be teaching employees of Madarsa Faizul Uloom, KabaiBanghara, P.S.- Dalsinghsarai, District- Samastipur.

... .. Respondent

Appearance :

For the Petitioner : Mr. Pratik Kumar Sinha
For the Respondent : Mrs. Binita Singh (Sc28)
For the Madarsa Board : Md. Aslam Ansari, Advocate

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

4 24-02-2023 Learned counsel for the petitioners submits that the Chairman, Bihar State Madarsa Education Board, Vidhyapati Patna (respondent no. 6) conducted an inspection on the day when the Madarsa was closed on account of holiday and passed order, holding the petitioners to be not functioning.

Learned counsel for the respondents submits that in terms of **Section 28 of the Bihar State Madarsa Education Board Act, 1981**, the order passed by the Chairman, Bihar State Madarsa Education Board, Vidhyapati Patna (respondent no. 6), is appealable before the Special Secretary, Education Department, Government of Bihar.

In view of the above, the present writ petition is disposed of with liberty to the petitioners to file an appeal before the concerned authority.



It is directed that if an appeal is preferred before concerned authority, the same shall be decided within a period of three months of its filing.

(Sanjeev Prakash Sharma, J)

Gauravkr/-
Item No. 54

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