

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12338 of 2023

Md. Anwar Hussain Son of Kasim Hussain Resident of Village-Rajput Raut
P.S.-Kusheshwar Asthan, District-Darbhanga, the Secretary of the Managing
Committee of Madarsa Islamia Kusheshwar Asthan, P.S.-Kusheshwar Asthan
District-Darbhanga (Madarsa No.796)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Special Director, Secondary Education, Bihar, Patna.
3. The District Education Officer, Darbhanga.
4. The District Programme Officer (Establishment), Darbhanga.
5. The Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony, Sector-2, P.S.-Phulwarisharif, Distirct-Patna.
6. The Chairman of the Bihar Madarsa Education Board, Apex Tower Haroon Nagar Colony, Sector-2, P.S.-Phulwarisharif, Distirct-Patna.
7. The Secretary of the Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony, Sector-2, P.S.-Phulwarisharif, Distirct-Patna.
8. New Managing Committee of the Madarsa Islamia Kushwar Asthan, P.S.Kusheshwar Asthan, District-Darbhanga through its Secretary, Umar Khaiyam
9. The Head Maulvi of the Madarsa, Islamia Kusheshwar , P.S. Kusheshwar Asthan, District-Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anisur Rahman
For the Respondent/s	:	Smt. Binita Singh (SC-28)
For the Madarsa Board	:	Mr. Shahzad Hassan Khan
		Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-12-2023 1. Heard learned counsel for the parties concerned.
2. The petitioner has challenged the office order at Annexure-6, dated 31.05.2023, whereby Bihar State Madrasa Education Board granted approval to the Management Committee headed by Mohammad Ashlam



of Madrasa Islamia, Kusheswar Asthan.

3. Learned counsel for the petitioner submits that as per the Rules, namely, Bihar State Non-Government Recognized Aided Madrasa Managing Committee Constitution Rules, 2022, the petitioner has constituted the Management Committee, *vide* Annexure-4 to the writ application, and has submitted the same for its approval before the Board, but without any information to the petitioner, the Chairman of the Board has granted approval to the Management Committee, headed by private respondent nos. 7 and 8.
4. On the other hand, learned counsel for the Bihar State Madrasa Education Board submits that as per the Rule-11 of the aforesaid Rules, the petitioner has remedy of appeal before the appellate authority i.e. Special Secretary, Education Department, within a period of 30 days, who shall dispose the appeal after hearing the respective parties within 90 days.
5. In view of the aforesaid submission, the present writ application is disposed with liberty to the petitioner to challenge the impugned order at Annexure-6 before the appellate authority within a period of 30 days and if such



an appeal is filed, along with condonation of delay petition, the appellate authority is directed to dispose the same, in accordance with law, on its own merit, after giving opportunity of hearing to the concerned parties within a period of 90 days.

6. With the aforesaid observations and directions, this writ application is disposed.

(Anil Kumar Sinha, J)

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