

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14416 of 2016

Md. Ejaz Ahmad Son of Md. Sadaqat Hussain Resident of Village and Post - Pokhraria, P.S. - Nanpur, District - Sitamarhi, Secretary of the Managing Committee of Madarsa Noorul Hoda at Pokhraise, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Joint Director, Secondary Education, Government of Bihar, Patna.
3. The District Education Officer, Sitamarhi.
4. The Bihar State Madarsa Education Board, through its Chairman, 5 Vidyapati Marg, Patna.
5. The Chairman, Bihar State Madarsa Education Board, 5 Vidyapati Marg, Patna.
6. The Secretary, Bihar State Madarsa Education Board, 5 Vidyapati Marg, Patna.
7. Md. Ali Kamaluddin Son of Late Mustafa Raza Kamali Resident of Village and Post - Pokhraria, P.S. - Nanpur, District - Sitamarhi.
8. Nesar Ahmad Son of Hamid Reza Resident of Village and Post - Pokhraria, P.S. - Nanpur, District - Sitamarhi.
9. Md Ghulam Rasool Son of Md Rais Resident of Village and Post - Pokhraria, P.S. - Nanpur, District - Sitamarhi.
10. Hifzul Islam Siddique Son of Md. Yahya Resident of Village and Post - Pokhraria, P.S. - Nanpur, District - Sitamarhi, the Secretary of Old Managing Committee of Madarsa Noorul Hoda at Pokhraise, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Brij Nandad Prasad, Advocate Mr. Janki Nandan Prasad, Advocate Mr. Obaidur Rahman , Advocate
For the Respondent/s	:	Mr.Kameshwar Kumar-GP17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 12-09-2024 1. The Managing Committee of the Madarsa Noorul Hoda at Pokhraise, District- Sitamarhi had approached this Court in C.W.J.C. No. 8194 of 2012 with a grievance that two teaching



staff and one non- teaching staff in the Madarsa were appointed illegally and upon enquiry the appointment was found to be totally illegal.

2. A Co-ordinate Bench of this Court vide its order dated 27.04.2012 disposed the writ application with a direction to the Chairman of the Board to see to it that the matter is considered by the Board and final decision is taken after due notice to all concerned parties and after examining the entire records.

3. In pursuance of the aforesaid order, the Chairman passed the order dated 27.08.2013 whereby the approval of appointment given earlier was withdrawn and the Managing Committee was directed to re-advertise the post afresh and to make fresh appointment allowing the appointees to participate. The order passed by the Chairman dated 27.08.2013 was reviewed by order dated 09.01.2015 by the Ad-hoc / Incharge Chairman holding that the order dated 27.08.2013 shall have no effect. The petitioner challenged the order dated 09.01.2015 before the appellate authority which has been dismissed vide order dated 21.03.2016 on the ground that the petitioner has no locus.

4. Learned counsel for the petitioner submits that the petitioner was the Member of the outgoing Managing



Committee and the order dated 27.04.2012 was passed by this Court at the behest of the petitioner / Managing Committee. In the said order the matter was referred before the Board for taking final decision but instead of the Board the Chairman has passed the order.

5. Learned counsel for the respondents submits that both the orders passed by the Chairman may be set aside and the matter may be referred before the Board for fresh consideration.

6. Having heard learned counsel for the parties and taking into consideration the fact that over and above the direction of this Court the Chairman passed the order instead of the Board, accordingly the orders contained in Annexure- 6 dated 27.08.2013 & Annexure-7 dated 09.01.2015 are set aside.

7. The matter is remitted back to the Bihar State Madarsa Education Board, Patna (in short 'Board') for taking final decision regarding appointment of two teaching staff and one non- teaching staff in the Madarsa in question after giving opportunity of hearing to all including the concerned persons.

8. Decision in this regard by the 'Board' must be taken within a period of three months from the date of receipt / production of a copy of this order.

9. Since the original order passed by Chairman has been set



aside, as such, the consequential appellate order also does not survive. Accordingly, the order dated 21.03.2016 (Annexure- 9) is also set aside.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

