

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11617 of 2023

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Eklakh Ahmad @ Akhlaque Ahmad Son of Abdur Rub Resident of Village- Semrahiya, P.S.- Chhauradano, District- East Champaran, the president of the Madarsa Misbahul Uloom Semrahiya, P.S.- Chhauradano, District- East Champaran (Madarsa No. 75).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Special Director, Secondary Education Bihar, Patna.
3. The District Education Officer, East Champaran, Motihari.
4. The District Programme Officer (Secondary), East Champaran, Motihari.
5. The Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony Sector-2, P.S.- Phulwarisharif, District- Patna, through its Secretary.
6. The Chairman of the Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony Sector-2, P.S.- Phulwarisharif, District- Patna.
7. The Secretary of the Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony Sector-2, P.S.- Phulwarisharif, District- Patna.
8. Md. Rashid, Son of Md. Hatim Resident of Village- Pursottampur, P.S.- Chhauradano, District- East Champaran.
9. Tanvee Alam, Son of Reyaz Ahmad Resident of Ward No. 8 Village- Pakariya, P.S.- Chhauradano, District- East Champaran.
10. Afraj Alam, Son of Monaf Alam Resident of Village- Janerwa, P.S.- Banjaria, District- East Champaran.
11. Md. Siddique, Son of Abdul Khalique Resident of Ward No. 9 Pakariya, P.S.- Chhauradano, District- East Champaran.
12. Sartaj Alam, Son of Abdul Manan Resident of Ward No. 2 Semrahiya, P.S.- Chhauradano, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Md. Anisur Rahman, Advocate
For the State	:	Mr. Madan Jeet Kumar, GP-20
For the Madrasa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-12-2024

Heard learned counsels for the parties.

2. The present writ application has been filed for



quashing the order dated 25.01.2022 as contained in Memo No. 631 passed by the Chairman of the Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony Sector-2, P.S.- Phulwarisharif, District- Patna (Respondent No. 6) and issued by the Secretary of the Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony Sector-2, P.S.- Phulwarisharif, District- Patna (Respondent No. 7).

3. At the outset, learned counsels appearing on behalf of the respondents raise preliminary objection to the effect that an alternative statutory remedy of appeal is available to the petitioner under Section 28 of the Laws of Madarsa Education, which reads as follows:-

“28. Appeal against the orders of the Board.-- Any person or managing committee aggrieved with the decision of the Board or Chairman may file an appeal for final hearing within 60 days of the passing of the orders, to the State Government.”

4. Since the petitioner has got statutory alternative remedy of appeal under Rule 28 of the Laws of Madarsa Education, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

5. In view of the aforesaid facts and circumstances, petitioner is granted liberty to file appeal before the appropriate



authority, in accordance with law.

6. In the event, such application is filed by the petitioner, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

7. With the aforesaid observations and directions, this writ application stands disposed of.

8. It goes without saying that if any question of limitation arises before the appellate authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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