

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13110 of 2023

Shahid Iqbal Son of Hasnat Alam Resident of Village-Markan, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Joint Secretary, Dept. of Education Department, Government of Bihar, Patna.
4. The Special Director, Department of Education Government of Bihar, Patna.
5. Saleem Perwez Son of Nurul Hoda Ansari Resident of Manzil Karimchak, District-Chhapra (Saran) at Present Chairman of Bihar State Madrasa Board Education, Apex Tower, Haroon Nagar, Sector-2, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Raj Nandan Prasad, Advocate
For the State	:	Mr.Kameshwar Kumar (GP- 17)
For the Respondent No.5:	:	Mr.Amit Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-07-2024 The present writ petition has been filed seeking the following relief:-

“1. That the petitioner has approached this Hon'ble Court seeking issuance of a writ in nature of a Quo Warranto against Respondent No. 5, questioning his appointment and for his consequent removal from the post of the Chairman of the Bihar State Madrasa Education Board, Patna.”

2. At the outset, the learned counsel for the respondent-State has pointed out that on account



of coming into force of the Bihar State Madarsa Education Board (Amendment) Act, 2024 with effect from 14.03.2024, Section 29 of the Bihar State Madarsa Education Board Act, 1981 has been amended and new sub-sections (6), (7) & (8) have been added therein, which reads as follows:-

“(6) (a) With effect from the date, the Act comes into force the existing Bihar State Madarsa Education Board shall stand dissolved.

(b) On dissolution of existing Bihar State Madarsa Education Board under above Sub-section 6 (a) the State Government in Department of Education shall appoint an Administrator not below the rank of Secretary to the Government to manage the affairs of the Board.

(7) (a) Upon dissolution of the Board, the State Government shall constitute a Committee of experts to study and make recommendation for re-organization and re-structuring of Madarsa Education with a view to make it consistent with National Education Policy and introduce curriculum of education to strengthen the present teaching in various modern subjects including Science, Humanities and also



to include other vocational subjects.

(b) The Committee of expert shall be constituted by the State Government comprising of not more than 5 members of whom at least one shall be person possessed of adequate knowledge of Urdu, Persian, Arabic and oriental studies. The Committee shall submit its recommendation to the State Government within a period of one month from the date of Constitution. All logistic support to the Committee shall be provided by Education Department, Government of Bihar.

(c) On the recommendation submitted by the Committee, it shall be examined by the State Government in the Department of Education and shall be accepted with such modification as deemed necessary in the interest of Madarsa Education

(8) The State Government shall constitute a new Madarsa Education Board latest within a period of three months from the date of its dissolution."

3. In view of the aforesaid, it is submitted that on account of aforesaid amendment in the Bihar State Madarsa Education Board Act, 1981, the existing Bihar State Madarsa Education Board



constituted by the Education Department, Government of Bihar, Patna vide notification dated 25.07.2003 has stood dissolved, hence the present writ petition has been rendered infructuous.

4. The learned counsel for the petitioner does not dispute the aforesaid position as is existing in law, hence submits that the present writ petition be disposed off.

5. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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