

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14877 of 2024

Md. Ataur Rahman, S/o Late Aynul Haque, Resident of Village- Maltipur,
P.S.- Roshna, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The District Magistrate, Katihar.
3. The District Education Officer, Katihar.
4. The District Programme Officer (Establishment), Katihar.
5. The Bihar State Madarsa Education Board, through its Chairman, Apex Tower, Harun Nagar, Phulwarisharif, Patna.
6. The Secretary, Bihar State Education Madrasa Board, Apex Tower, Harun Nagar, Phulwarisharif, Patna.
7. The Secretary, Madrasa Darul Hoda Chanpi, P.O.- Rautara Via- Ranipatra, Block- Korha, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the Respondent/s	:	Mr.Sushil Kumar, GP 22
		Mr.Narendra Kumar Giresh, AC to GP 22
For Madrasa Board	:	Mr.Shahzad Hassan Khan, Advocate
		Mr.Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 01-10-2024 The petitioner has approached this Court under Article 226 of the Constitution of India, assailing his order of termination issued by the Chairman Madrasa Education Board.

2. It is pointed by the learned Advocate on behalf of the respondents that Rule 28 of Bihar State Madrasa Board Act, 1981 clearly states:-

“ 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.”

3. Since there is a specific provision of appeal under the Act, the petitioner must have to take recourse to appeal against the order of termination.

4. Therefore, I find that the instant writ petition is not maintainable and accordingly the writ petition is dismissed.

5. However, the petitioner is given liberty to prefer an appeal before the State Government, subject to provisions of law.

(Bibek Chaudhuri, J)

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