

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16037 of 2024

Md. Mahmood Alam Son of- Late Md. Salimuddin Resident of Village-
Hatgaon, Ramnagar Tola Ward No.-08, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Special Director Secondary Education Department of Bihar, Patna.
2. The District Education Officer, Araria, District- Araria.
3. The Chairman, Bihar State Madrasa Education Board Patna, Haroon Nagar P.S.- Phulwari Sharif, District- Patna.
4. The Secretary, Bihar State Madrasa Education Board Patna, Haroon Nagar P.S.- Phulwari Sharif, District- Patna.
5. Managing Committee of Madrasa Islamia Hashmi, Hatgaon, P.O- Tarbi P.S.- Palasi, District- Araria Madarsa no.-387 through its Secretary.
6. Md. Khurshid Alam Son of-Md. Umer Eqbal Resident of Village- Hatgaon P.O.- Tarbi, P.S.- Palasi, District- Araria. Presently Assistant teacher at Madrasa Islamia Hashmi, Hatgaon, P.S.- Palasi, District- Araria, Madarsa No.-387.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Ziaul Quamar, Adv.
For the State	:	Ms. Divya Verma, AC to AAG-3
For the Madarasa Board	:	Mr. Shahzad Hassan Khan, Adv.
		Md. Aslam Ansari, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-10-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of writ in the nature of mandamus for directing the respondent authorities to dismiss or terminate the respondent no. 06, who is Assistant Teacher at Madarsa Islamia Hashmi, Hatgaon, Madarsa no.387 because the appointment of respondent no. 06 is



not legal as he has been appointed on a post for which the requisite qualification is matric trained teacher, whereas the petitioner is only a matriculate. The Respondent no.-06 passed his matric examination and Moulvi examination simultaneously in the year 2005 by the same mode i.e. full-time physical mode /regular mode. Later, the Managing Committee also promoted him on the post of Alim because he had taken his Alim degree in the year 2008 and Madrasa Board granted approval of the same on 07.05.2015. The Respondent no.-06 has illegally taken the benefit of two degrees, firstly by for appointment and than for promotion. The petitioner and other villagers raised the issue of illegalities committed by the respondent no.-06 before the Managing Committee as well as Madrasa Board but till the date, they have not taken any action regarding his illegal appointment.

(ii). It is also further prayed that direction be issued to initiate departmental proceeding against the respondent no.-06.”

2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.



3. Accordingly, the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

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