

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.858 of 2023

1. Ehsanullah Son of Md. Ibrahim Quasmi, resident of village Sarvariya, Ward no. 11, Post D K Shikarpur, Police Station - Shikarpur, District - West Champaran.
2. Azaz Alam son of Najmul Hoda, resident of village Siswania, Ward no. 14, Post Siswaniya, Police Station - Banjaria, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Special Secretary-cum-Appellate Authority, Education Department, Bihar, Patna.
3. The Chairman, Bihar State Madrasa Education Board, Patna.
4. The Secretary, Bihar State Madrasa Education Board, Patna.
5. The District Education Officer, East Champaran.
6. The Secretary, Managing Committee, Madrasa Anjuman Islamia (Madrasa no. 66), District- East Champaran.
7. Md. Reyaz Ahmed, son of Khurshid Alam resident of village Nakched Tola, Ward No. 4, P.S.- Motihari, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Adv.
For the State	:	Mr. Madhaw Prasad Yadaw, GP23
For the Madrasa Board	:	Mr. Shahzad Hassan Khan, Adv.
	:	Mr. Aslam Ansari, Adv.
For the Respondent No.7:	:	Mr. Akshansh Ankit, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 11-02-2025 Heard learned counsel for the petitioners, learned counsel for the State, learned counsel for the Madrasa Board and learned counsel for the Respondent No.7.

2. Learned counsel for the petitioners submits that Respondent No.2 (The Special Secretary-cum-Appellate Authority, Education Department, Bihar, Patna) has passed an *ex parte* order as contained in Memo No. 333 dated 19.12.2022, which annuls the appointments of the petitioners.

3. Considering the fact that the Appellate Authority



has not followed the principle of natural justice in passing the impugned order dated 19.12.2022 as such, the impugned order dated 19.12.2022 is hereby set aside, and the Respondent No.2 is directed to consider the case of the petitioners and pass a reasoned and speaking order in accordance with law, after hearing the parties including the Respondent No.7, within one month from today.

4. The Respondent No. 2 is also directed to consider about the payment of salary of the petitioners, who have been working regularly w.e.f. 22.01.2022 till date. If the petitioners are found entitled for payment of salary, then the same would be paid to them within a period of two months thereafter.

5. As the Respondent No.7 has already joined the post and has been working, therefore, he shall not be disturbed till the final order passed by the Special Secretary-cum-Appellate Authority in the Education Department, Bihar, Patna.

6. With the above directions, the writ petition stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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