

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2965 of 2023

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Md. Masir Alam son of late A. Jabbar, resident of Village- Chiknauta, P.S. and District- Sheohar the Secretary of the Managing Committee of Madarsa Islamia Falahul Muslemeen, Sheohar (Madarsa No. 50).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department of Government of Bihar, Patna.
2. The Special Secretary cum Appellate Authority Education Department, Government of Bihar, Patna.
3. The Bihar State Madarsa Education Board, Apex Tower, Haroon Nagar Colony, Patna through its Secretary.
4. The Chairman, Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony, Patna.
5. The Secretary, Bihar State Madarsa Education Board, Apex Tower Haroon Nagar Colony, Patna.
6. The District Education Officer, Sheohar.
7. Ishteyaque Ahmad Khan son of Late Md. Izhar Khan resident of at P.O., P.S. and District- Sheohar.
8. Md. Murtuza Khan son of Ishteyaque Khan, resident of At P.O., P.S. and District- Sheohar.
9. Inamullah son of Shabbir Ansari, resident of Salim Nagar Radhia Ray Tola, P.S. Areraj, District- East Champaran.
10. Md. Imran Khan son of Md. Hafiz Khan, resident of Village- Amlapatti, P.O. and P.S. Motihari, District- East Champaran.
11. Wosaid Mansuri, son of Md. Amirullah Mansuri, resident of At, P.O., P.S. and District- Sheohar.
12. Taha Yusuf, son of Ashfaque Yusuf, resident of Hospital Road, P.S. and District- Siwan.
13. Zaki Anwar Khan, son of Shabbir Ahmad Khan, resident of Village Kundwa, P.S. Kundwa Chainpur, District- East Champaran.
14. Jahangir Reza, son of Imamuddin Khan, resident of Road No. 4, P.S. and District- Sheohar.
15. Md. Anisur Rahman, son of Md. Izharul Haque, resident of Village- Dhamsain, P.S. Ali Nagar, District- Darbhanga.
16. Md. Abubakar son of Nazre Hasan, resident of Village- Pohaddi, P.S. Benipur, District- Darbhanga.
17. Md. Shaukat Ali, son of Ibrahim, resident of Village- Gonaun, P.S. Ghanshyampur, District- Darbhanga.



18. Md. Mahfoozur Rahman, son of Md. Zubair Ali, resident of Village- Bahera, P.S. Madhepura, District- Madhubani.
19. Mohd. Intekhab Alam, son of Md. Waseem Akhtar, resident of Village- Rampur Kesho, P.S. and District- Sheohar.
20. Md. Arif, son of Md. Jalis Ansari, resident of Village Gulab Tola, Gurwalia, District- West Champaran.
21. Md. Aarif Mansuri, son of Md. Quasim, resident of At, P.O., P.S. and District- Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Md. Anisur Rahman Md. Imtiyaz Hussain
For the Respondent/s	:	Mr. Madhaw Pd. Yadav (GP-23)
For the Board	:	Mr. Shahzad Hassan Khan Md. Aslam Ansari
For the Res-08 to 21	:	Mr. Suraj Kumar Yadav Md. Masoom Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-06-2025 1. The petitioner has filed the present writ application being aggrieved by the order passed by the appellate authority, dated 17.06.2022, and consequential order passed by the Bihar State Madarsa Education Board, dated 31.12.2022.

2. Learned counsel for the petitioner submits that in the Madarsa Islamia Falahul Muslemeen, Sheohar (Madarsa No. 50) a large number of illegal appointments were made by forging signature of the petitioner, who was the Secretary at the relevant time when such appointments were being done. He further submits that the appointments were made in the absence of proper advertisement and without considering the requisite qualifications of the appointees inasmuch as the family



members of the President, Members of the Managing Committee and Chairman of the Board were appointed without following due process.

3. An enquiry was conducted by the three men Enquiry Committee constituted by the Bihar State Madarsa Education Board, who submitted its report on 26.08.2021, arriving at the finding that there was illegality in the appointment process. The Enquiry Committee returned the finding that both the parties have failed to producer relevant papers/documents in support of their respective claims.

4. The petitioner moved before the Bihar State Madarsa Education Board complaining about the illegal appointments made in the Madarsa Islamia Falahul Muslemeen, Sheohar (Madarsa No. 50), but the Board rejected the case of the petitioner by order, dated 28.03.2021.

5. Md. Nasim Ahmad, the then Secretary of the Board, filed an appeal against the order before the Appellate Authority. The petitioner appeared as an intevenor in the appeal filed before the Appellate Authority, which was disposed by the order, dated 17.06.2022. The Appellate Authority remanded the matter back to the Board for fresh hearing after taking into account the submissions of both the parties.



6. Pursuant thereto, the Bihar State Madarsa Education Board passed the order, dated 31.12.2022, by which the appointment of two persons were found to be illegal, as they have been made in violation of prescribed age limit.

7. Learned counsel for the State as well as private respondents submits that as per Section 28 of the Bihar State Madarsa Education Board Act, 1981, the order passed by the Chairman of the Board can be challenged before the Special Secretary, Education Department, who has been designated as appellate authority.

8. The earlier order passed by the Appellate Authority was of remand and after remand of the matter a fresh order has been passed by the Board which can be challenged by the petitioner before the Special Secretary, Education Department.

9. Considering the rival submissions and nature of dispute, the present writ application is disposed with liberty to the petitioner to file an appeal before the Special Secretary, Education Department, within a period of three weeks.

10. If such an appeal is filed along with condonation of delay petition, the same shall be considered by the appellate authority in accordance with law on its own merit.

11. It is made clear that the appeal must be disposed



within a period of five months.

(Anil Kumar Sinha, J)

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