

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3542 of 2024

The Managing Committee of Madrasa Ittehadul Muslemin (Madrasa No. 139) through its newly elected President Md. Masud Alam, aged about 53 years (Male), son of Mohammad Maqbool, Resident of Bagha, Baghakusmar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Special Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Magistrate, District- Madubani.
4. The District Education Officer, District- Madubani.
5. Block Education Officer, Khajauli, Madhubani.
6. The Bihar State Madrasa Education Board through its Secretary, Apex Tower, Haroon Nagar, Sector 2, Phulwari Shariff, Patna- 801505.
7. The Chairman, Bihar State Madrasa Education Board, Apex Tower, Haroon Nagar, Sector 2, Phulwari Shariff, Patna- 801505
8. The Secretary, Bihar State Madrasa Education Board, Apex Tower, Haroon Nagar, Sector 2, Phulwari Shariff, Patna- 801505.
9. Md. Arshad Son of Shabbir Ahmad Resident of Ward No. 7, Bagha, Baghakusmar, District- Madhubani, Senior most teacher/ Incharge Head Moulvi of the Madrasa Ittehadul Muslemin.
10. Shri Nathuni Sarpanch, Present President of the Managing Committee of Madrasa Ittehadul Muslemin, Madubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akshansh Ankit
For the Respondent/s : Mr. Standing Counsel 28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-04-2025 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for setting aside the letter no. 412, dated 25.11.2023, issued by the respondent no. 5-Block Education Officer, Khajauli, Madhubani, and forwarded to the respondent



no. 4, whereby and whereunder fake and illegal managing committee of the respondent no. 10 has been recommended for approval by the Respondent No. 04-District Education Officer, Madhubani. Further, to set aside the Memo No. 98, dated 10.01.2024, annexed as Annexure-P/9, issued by the respondent no. 7 and 8 of the Bihar State Madarsa Education Board, Patna, whereby, recommendation sent by the respondent no. 4 has been approved.

3. Learned Counsel for the Madarsa Board as well as the State, referring to Section 28 of the Bihar State Madarsa Educational Board Act, 1981, submits that as per Section 28 of the Act, any order passed by the Board or Chairman can be challenged in appeal before the State Government and Special Secretary, Education Department, has been designated as appellate authority. The petitioner may approach the concerned authority against the impugned order by filing an appeal.
4. Considering the aforesaid submission, this writ application is disposed with liberty to the petitioner may prefer an appeal before the Special Secretary, Education Department, within a period of four weeks from today



and if such an appeal is filed by the petitioner, the Special
Secretary shall dispose the appeal in accordance with law.

(Anil Kumar Sinha, J)

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