

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5987 of 2024

Manaba Khatoon, wife of Sri Quayamuddin Khan, Teacher at Madrasa Islamia, Arabia Naimia (Madrasa No. 1142), resident of Village and Post - Sonbarsa, P.S. - Gautam Budhnagar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar Patna.
2. The Chairman, Bihar State Madarsa Education Board, Apex Tower, Haroon Nagar Sector- 2, Phulwari Sharif, Patna - 801505.
3. The Secretary, Bihar State Madarsa Education Board, Apex Tower, Haroon Nagar Sector - 2, Phulwari Sharif, Patna- 801505.
4. The District Education Officer, Siwan.
5. The District Programme Officer, Siwan.
6. The Assistant Director, District Minority Welfare Office, Siwan.
7. The So Called Managing Committee of Madarsa Islamia Arbia Naimia, at and P.O. - Sonbarsa, Block - Maharajganj, District- Siwan through its so called Secretary Ajmal Khan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Sr. Adv.
For the Respondent/s : Mr. Government Pleader 16

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-09-2025

Heard the parties.

2. The challenge in the present writ petition is made to an order contained in Memo No. 465 dated 28.02.2024 issued under the signature of the Secretary, Bihar State Madarsa Education Board, Patna whereby and whereunder, the resolution no. 2 dated 15.02.2024 of the Managing Committee of Madarsa Islamia Arbia Naimia, Sonbarsa passed in pursuant to enquiry report of a Committee comprising of three members, was duly



approved, by which the petitioner alongwith one Md. Imran Alam have been placed under suspension, on alleged irregularity.

3. Mr. Shekhar Singh, learned Senior Advocate while questioning the impugned order has submitted that the impugned order of suspension has been passed without giving any opportunity to the petitioner to place his case as the same is based in pursuant to an enquiry report of a committee comprising of three members. Moreover, Md. Imran, who was also placed under suspension with the petitioner has been treated differentially and in his case, the order of suspension has been revoked prior to 12.01.2025 itself, but without any rhymes and reason, the suspension of the petitioner is still kept in force. It is also contended that the order of suspension is also bad for the reason, the petitioner has not even been allowed admissible subsistence allowance for the period, she kept under suspension.

4. Learned Senior Advocate further submitted that prolonged suspension has always been deprecated by the Courts in catena of decisions; as it would render it punitive in nature.

5. A counter affidavit has been filed on behalf of Madarsa Board. Submission has been made that the decision to place the petitioner alongwith one Md. Imran Alam under suspension was taken by the Managing Committee of the concerned Madarsa and



later on the resolution of the Madarsa was approved by the Board. There is a provision of appeal under rule 28 of the Bihar State Madarsa Education Board Act, 1981, which clearly stipulates that any person or the 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 order, to the State Government.

6. It would be worth noting that the Apex Court in *Ajay Kumar Chaudhary vs. Union of India & Anr., (2015) 7 SCC 291* ruled that currency of a suspension order should not extend beyond three months, if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension.

7. Having considered the submissions advanced and taking note of the materials available on record, this Court *prima facie* finds that for the identical alleged irregularity two persons have been placed under suspension by one resolution bearing Resolution No. 2 dated 15.02.2024 and with respect to one person, namely Md. Imran Alam, the suspension has been revoked and he has been allowed to work. However, in case of the petitioner, discrimination has been caused and till date, she



has been placed under suspension. Neither any memo of charge has been framed till date, nor there is any further order for extension of the suspension, although more than one and half years have been lapsed and the petitioner is still continuing under suspension.

8. In view of the aforesaid facts, instead of relegating the petitioner to file an appeal, this Court deems it fit and proper to direct the Managing Committee of the Madarsa Islamia Arbia Naimia, Maharajganj, Siwan to look into the matter and take appropriate decision with respect to continuation/revocation of suspension of the petitioner, keeping in mind the discussion made hereinabove, preferably within a period of four weeks from the date of receipt/production of a copy of this order. While passing the order, the Managing Committee shall also take a decision on the arrears of salary as well as admissible subsistence allowance, in accordance with law.

9. With the aforesaid directions, the present writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.09.2025
Transmission Date	NA

