

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21039 of 2021

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Md. Mahfoozur Rahman Son of Late Md. Khalil, resident of Village -Jaya,
P.S.-Gayghat, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Education Department, Bihar, Patna.
2. The Bihar State Madarsa Education Board, Bihar Patna through Chairman, Bihar State Madarsa Education Board, Patna Apex Tower Haroon Nagar, Sector-2, Phulwari Sharif, Patna-801505.
3. Chairman, Bihar State Madarsa Education Board, Patna Apex Tower Haroon Nagar, Sector-2, Phulwari Sharif, Patna-801505.
4. Secretary, Bihar State Madarsa Education Board, Patna Apex Tower Haroon Nagar, Sector-2, Phulwari Sharif, Patna-801505.
5. The District Education Officer, Muzaffarpur.
6. The Managing Committee of Madarsa Darul Takmil at Mohalla-Chandwara (Qurban Road) Madarsa No. 43, P.S. and District-Muzaffarpur through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Nandan Prasad, Advocate
For the State	:	Mr.Prabhakar Jha (Gp27)
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Mr. Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-06-2025 Heard Mr. Raj Nandan Prasad, learned counsel

 appearing on behalf of the petitioner; Mr. Prabhakar Jha, learned

 GP 27 for the State and Mr. Shahzad Hassan Khan and Mr.

 Md. Aslam Ansari, learned counsels for the Madarsa Board.

2. Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:-

*“That this application is being filed for
issuance of appropriate writ, order/orders, direction
quashing the order dated 21.08.2020 passed by the*



Chairman of Bihar State Madarsa Education Board (hereinafter called Madarsa Board) and issued by the Secretary of Madarsa Board vide memo no.2574 dated 21.08.2020 whereby the promotion of petitioner to the Alim post vide memo No.2868-71 dated 17.04.2015 has been cancelled after about five years and till further order payment of the petitioner has been stopped without hearing the petitioner and without having such power and jurisdiction as the Chairman can't review the order of his predecessor, such power is only vested to the Board."

3. In view of the provision contained in Section 28 of the Bihar State Madarsa Education Board Act, 1981 as amended amended uptodate, learned counsel appearing on behalf of petitioner seeks to withdraw the present writ petition with a liberty to the petitioner to file an appeal before the Special Secretary-cum-Appellate Authority, for redressal of his grievance.

4. The authority concerned must consider to condone delay, if any, in filing of the appeal, considering the fact that the entire world was affected by the Covid-19 pandemic and the writ petition was filed in the year 2021 during which period several advisories were issued by the Central Government and the State Government, as well as, by this Court.

5. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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