

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20349 of 2025

Md. Jawadul Haque son of Late Hafizuddin, resident of village-
Kanhaiyabari, P.O.- Kanhaiyabari Hat, P.S.-Kochadhawan, District-
Kishunganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Bihar State Madarsa Education Board, Patna 5, Vidyapati Marg, P.S- Kotwali, District-Patna.
3. The Chairman, Bihar State Madarsa Education Board, Patna 5, Vidyapati Marg, P.S- Kotwali, District- Patna-800001.
4. The Secretary, Bihar State Madarsa Education Board, Patna 5, Vidyapati Marg, P.S- Kotwali, District- Patna-800001.
5. The District Education Officer, Kishunganj.
6. The District Programme Officer (Establishment), Kishunganj.
7. The Managing Committee of Madarsa Hifzul Aqua-E-Dul Haqqua at and P.O.- Kanhaiyabari, P.S.-Kochadhawan, District-Kishunganj (Madarsa no. 482) through its Secretary.
8. Md. Izhar Alam son of Md. Rashid Alam, resident of village- Kanhaiyabari, P.S.-Kochadhawan, District-Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad, Advocate
For the respondent	:	Mr. K.P. Gupta, G.P.10.
		Mr. Satya Vrat, A.C. to G.P.10.
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 18-12-2025 Heard learned counsel for the petitioner, learned
counsel for Bihar State Madarsa Education Board and
respondent-State.

2. The petitioner in the present writ application has
prayed for grant of following relief :-



'That this application is being filed for issuance of appropriate writ, order or orders, direction for quashing the order dated 11.04.2023 passed by Chairman of Bihar State Madarsa Education Board, Patna issued by the Secretary of Bihar State Madarsa Education Board, Patna (hereinafter called Madarsa Board) vide memo No. 422 dated 11.04.2023, whereby fake and illegal appointment of Md. Izhar Alam respondent no.8 has been approved as the said appointment was obtain by the false, fake and fabricated resolution of Managing Committee and signature of President (Petitioner) and some members of the Managing Committee of the said madarsa as well as Head Maulvi of the said Madarsa and false, fake and fabricated report of expert as expert had no knowledge in this regard and it has been obtain inclusion with the Secretary of the Managing committee by way of illegal gratification.'

3. At the very outset, a preliminary objection has been raised by the Bihar State Madarsa Education Board questioning the maintainability of the present writ application on the ground that the petitioner has not availed the alternative remedy available under Section 28 of the Bihar State Madarsa Education Board, 1981 which state as follows :-

“28. Appeal against the orders of the Board – Any person or 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 orders, to the State Government.”

4. In the light of the above, the learned counsel for the petitioner prays for withdrawing the writ application with liberty to file an appeal against the order of the Chairman. Permission



is granted.

5. This writ application is dismissed as withdrawn with liberty to the petitioner to file alternative remedy as provided by Section 28 of the of the Bihar State Madarsa Education Board, 1981. If such appeal is filed the same shall be decided by the Statement Government (Special Secretary-cum-Appellate Authority) in accordance with law.

(Alok Kumar Sinha, J)

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