

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3906 of 2025

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Istiyaque Khan@Isteyak Khan son of Mozafrul Haque Khan, resident of Village Sonbarsa, Post Sonbarsa, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Special Secretary-cum-Appellate Authority, Education Department, Bihar, Patna.
3. The Chairman, Bihar State Madrasa Education Board, Patna.
4. The Secretary, Bihar State Madrasa Education Board, Patna.
5. The District Education Officer, Siwan.
6. Quayamuddin Khan, son of Late Allauddin Khan, resident of Village Sonbarsa, Post Sonbarsa, P.S. G. B. Nagar Tarwara, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv. Mr. Ajay Kumar Pandey, Adv.
For the State	:	Mr. Mahtab Alam, AC to SC-20
For the Board	:	Md. Aslam Ansari, Adv.
For the Private Resp	:	Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-07-2026 Heard learned Senior Advocate/Advocates appearing
for the respective parties.

2. The initial grievance of the petitioner in the present writ petition was directed against Memo No. 167 dated 11.11.2024 issued by the Special Secretary-cum-Appellate Authority, Education Department, Government of Bihar, Patna, whereby the order contained in Memo No. 2227 dated 22.12.2023 issued by the Bihar State Madarsa Education Board, Patna, approving the constitution of a new Managing



Committee as an interim arrangement upon expiry of the tenure of the earlier Managing Committee, had been cancelled.

3. During the pendency of the writ petition, it has been brought to the notice of this Court that, pursuant to the aforesaid order passed by the Appellate Authority, the matter was remitted to the Bihar State Madarsa Education Board for fresh consideration. Thereafter, the Board has passed a final order contained in Memo No. 1138 dated 08.05.2026, and extended approval to the newly constituted Managing Committee.

4. Mr. D.K. Sinha, learned Senior Advocate appearing for the petitioner, submitted that the afore-noted order dated 08.05.2026 has been challenged by way of I.A. No. 1 of 2026, wherein various grounds have been urged alleging illegality and procedural irregularities committed by the Bihar State Madarsa Education Board while according approval to the new Managing Committee. It is contended that the action of the Board is contrary to the provisions governing the constitution and approval of the Managing Committee and, therefore, the matter deserves consideration by this Court.

5. *Per contra*, learned Advocate appearing for the respondents submitted that after the passing of the final order by



the Bihar State Madarsa Education Board, the petitioner has an efficacious statutory remedy of appeal under the provisions of the Bihar State Non-Government Recognized Aided Madarsa Managing Committee Constitution Rules, 2022. It is, therefore, contended that the petitioner ought to avail the statutory remedy instead of pursuing the present writ petition.

6. Having considered the submissions advanced on behalf of the parties and taking note of the fact that the Bihar State Madarsa Education Board has already granted approval to the newly constituted Managing Committee, this Court is of the considered opinion that the petitioner has an effective and efficacious alternative statutory remedy of appeal before the Special Secretary-cum-Appellate Authority, Education Department, Government of Bihar, Patna, under the provisions of the Bihar State Non-Government Recognized Aided Madarsa Managing Committee Constitution Rules, 2022, if he is aggrieved by the order passed by the Board.

7. Accordingly, without expressing any opinion on the merits of the rival claims, the present writ petition is disposed of with liberty to the petitioner to avail the aforesaid statutory remedy, if so advised. In the event such an appeal is preferred, the Appellate Authority shall consider and dispose of the same



in accordance with law, expeditiously, after affording due opportunity of hearing to all the concerned parties.

8. The writ petition stands disposed of along with the pending interlocutory application(s), if any.

(Harish Kumar, J)

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