

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4695 of 2025

Md. Aslam Kamil Son of Md. Moqueemuddin, Resident of Ward No.-15, Bochagari, P.S.-Bahadurganj, Dist.- Kishanganj at present the Secretary of the Managing Committee of Madarsa Islahul Muslemeen Bochagari, P.O.- Nishandra, P.S.-Bahadurganj, District- Kishanganj, Madarsa No.-534.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Education Department, Government of Bihar, Patna.
2. The Special Secretary, Education Department-cum-Appellate Authority, Government of Bihar, Patna.
3. The Special Director, Education Department (Secondary Education), Government of Bihar, Patna.
4. Bihar State Madarsa Education Board, through its Secretary, 5- Vidyapati Marg, District-Patna- 01.
5. The Secretary, Education Department-cum-Administrator, Bihar State Madarsa Education Board, 5- Vidyapati Marg, District- Patna- 01.
6. The Secretary, Bihar State Madarsa Education Board, 5- Vidyapati Marg, District- Patna- 01.
7. The District Education Officer, Kishanganj.
8. The District Programme Officer (Establishment), Kishanganj.
9. Md. Idris Alam @ Md. Idris, S/o Late Bashiruddin, Resident of Village-Satmeri, P.O.- Nisandra, P.S.-Bahadurganj, District- Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sushil Kumar Jha, Adv.
For the Respondent/s	:	Mr. Standing Counsel (26)
		Mr. Tripurari Nath Ambastha, AC to SC-26
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Adv.
		Md. Aslam Ansari, Adv.
For the Resp. No. 9	:	Mr. Rashid Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-01-2026

Heard the parties.

2. The petitioner, who claims to be the Secretary of the Managing Committee of Madarsa Islahul Muslemeen Bochagari, has filed the present writ petition seeking quashing



of the order as contained in memo no. 212 dated 31.01.2025 passed by the respondent Special Secretary, Education Department-cum-Appellate Authority, Government of Bihar, Patna in Appeal No. 98/2022 whereby the respondent no. 2 has been pleased to remand the matter before the Bihar State Madarsa Education Board. The petitioner also sought a direction upon the concerned respondents to restrain the respondent no. 9 to claim as Head Maulvi of the Madarsa in question, besides the afore-noted relief.

3. While assailing the impugned order, learned Advocate for the petitioner submitted that the respondent no. 9 on being aggrieved with the order as contained in memo no. 1928 dated 27.08.2021 passed by the Bihar State Madarsa Education Board has preferred Appeal No. 98 of 2022, however by the impugned order dated 31.01.2025 passed in the afore-noted appeal, the Appellate Authority while setting aside the order contained in memo no. 1925 dated 27.08.2021, has failed to consider that by the said order, apart from according the approval to the suspension of the respondent no. 9, the approval was also extended to the Managing Committee of Madarsa. Hence once the order contained in memo no. 1925 dated 27.08.2021 stands set aside by the Special Secretary-cum-



Appellate Authority, the approval accorded to the Governing Body also stood withdrawn, which is wholly bad and illegal. It is further contended that so far the respondent no. 9 is concerned, he was placed under suspension because he failed to discharge his duty in the prescribed Madarsa, in terms with the order as contained in memo no. 1958 dated 06.01.2020 passed in Appeal No. 06 of 2015. Despite repeated notices, the respondent no. 9 failed to discharge his duty as Head Maulvi and thus, the Managing Committee of Madarsa left with no option, but to place the respondent no. 9 under suspension. It is submitted that there is no illegality in the order of suspension. Moreover, subsequently, the respondent no. 9 has also been dismissed by the Managing Committee.

4. The submissions set forth on behalf of the petitioner has been vehemently refuted by the learned Advocate for the respondent no. 9. It is submitted that the respondent no. 9 has challenged the order dated 27.08.2021 only to the extent whereby the Madarsa Board while approving the resolution of the Managing Committee of the Madarsa, without applying his mind has also approved the resolution for suspension of the respondent no. 9, irrespective of the fact the Managing Committee shall start its functioning only after its due approval.



Hence the order passed by the so called Managing Committee putting the respondent no. 9 under suspension is *per se* illegal and without jurisdiction. It is further submitted that only because of a dispute between two Managing Committees of the Madarsa, the respondent no. 9 has been victimized. The Appellate Authority after consideration of the entire facts set aside the order of suspension of the respondent and later on the Madarsa Board vide office order contained in letter no. 207 dated 25.04.2025 also withdrawn its order considering that there is a prolonged suspension and none of the Managing Committee is in function. Hence, the writ petitioner is presently not the Secretary of the Managing Committee and thus cannot pursue the present writ petition.

5. On the other hand, learned Advocate for the Madarsa Board submitted that after expiry of the tenure of the Managing Committee, the constitution of fresh Managing Committee is in process and after constitution of the same, the claim of the petitioner could be considered by newly constituted Managing Committee for the purposes of joining in the school, who is the only competent authority in this behalf. It is further submitted that since the decision taken by the Managing Committee to place the respondent no. 9 under suspension was based upon the joint enquiry report of the District Education



Officer, who during the course of enquiry found that despite the repeated direction, the respondent no. 9 failed to discharge his duty as Head Maulvi and thereby adversely affecting the future of the children, the order of suspension cannot be termed as bad and illegal. It is further contended that since respondent no. 9 had not been discharging the duty in the prescribed Madarsa and therefore, there was no question of extending the salary to him and there was no illegality in approving the order of suspension of respondent no. 9.

6. This Court has considered the submissions advanced by learned Advocate for the respective parties and took note of the fact that admittedly by the order contained in memo no. 1925 dated 27.08.2021, while extending approval to the constitution of the Managing Committee, the Madarsa Board has also extended approval to the suspension of the respondent no. 9 in pursuant to the decision taken by Managing Committee; nonetheless, the Managing Committee shall start its functioning only after its approval by the Board. This Court finds substance that once the constitution of the Managing Committee has been approved, the respondent no. 9 was required to be given a fresh opportunity of hearing by issuance of a notice before placing him under suspension, but the same has not been done and the



resolution taken by the proposed Managing Committee for putting the respondent no. 9 under suspension was approved by the order contained in memo no. 1925 dated 27.08.2021. This Court further finds that now the Madarsa Board has also taken a conscious decision to revoke the suspension of the respondent no. 9 taking note of his prolonged suspension, vide letter no. 207 dated 25.04.2025.

7. Considering the entire gamut of the facts, as also the submissions advanced by learned Advocate for the Madarsa Board that the process for constitution of the fresh Governing Body is going on and the same is likely to be done in near future. This Court does not find any merit in the writ petition. Accordingly, the present writ petition stands dismissed.

8. It is expected that the Madarsa Board shall take appropriate decision regarding acceptance of the joining of the respondent no. 9, in view of the revocation of his suspension, for which the respondent no. 9 shall approach before the Madarsa Board alongwith the order of this Court, who shall pass appropriate order, in accordance with law, in view of the fact there is no Managing Committee functioning in the Madarsa, in question. It is expected that the concerned authorities shall also expedite the matter of constitution of new Managing Committee



to the earliest.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.02.2026
Transmission Date	NA

