

(2019) 12 PAT CK 0059

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 21167 Of 2019

Iftekhar Alam

APPELLANT

Vs

State Of Bihar Through And Ors

RESPONDENT

Date of Decision : 02-12-2019

Acts Referred:

Bihar State Madarsa Education Board Act, 1981 — Section 28

Citation : (2019) 12 PAT CK 0059

Hon'ble Judges : Chakradhari Sharan Singh, J

Bench : Single Bench

Advocate : Mithilesh Kumar Upadhyay, Hitesh Suman, Shahzad Hassan Khan

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the parties.
2. It appears on perusal of the pleadings in the writ application that there is dispute over management of Madarsa Imdadia (Madarsa No. 501). The petitioner is seeking direction restraining the newly approved Managing Committee of the said Madarsa led by respondent No. 8 from holding its meeting. It transpires that there is an order issued on 08.07.2017 under the signature of Bihar State Madarsa Education Board, whereby the Managing Committee headed by respondent No. 8 has been approved by the Board. The said decision is also sought to be challenged in the present writ application, by seeking amendment, through I.A. No. 01 of 2019.
3. It is the case of the petitioner that he is duly elected Chairman of the newly Management Committee of the said Madarsa, after no confidence motion was successfully introduced and he was elected.
4. Be that as it may, it is an admitted position that the petitioner has statutory remedy of appeal under Section 28 of
5. Considering the above, this writ application is disposed of with a liberty to the

petitioner to question the correctness of the said decision of the Board dated 8.7.2017.

6. It has been stated in the writ application that the petitioner did not have any knowledge about the order passed by the Board dated 8.7.2019. It is accordingly, observed that if any question of limitation arises before the Appellate Authority, the Appellate Authority shall consider the said aspect and the fact that the petitioner was pursuing his case before this Court by filing the present writ application, for the purpose of considering petitioner's application for condonation of delay.

7. The I.A. No. 01 of 2019 stands disposed of.