

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8088 of 2018

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1. Md. Rahil Akhter, S/o Naimuddin, Resident of Village + P.O. + P.S.-Routa, Via- Baisi, District- Purnea (Bihar) and at Presently Working as an Assistant Science Teacher in Madarsa Tanzim-millat Shishabari, P.O.-Mirpur, Via-Santha (Purnea), Madarsa No. 1262.
 2. Md. Quamrazzaman, S/o Sk Nurool Hassan, Resident of Village- Bhargama, P.O.+P.S. Amour, Via-Barsi, District-Purnea (Bihar) and at Presently Working as an Assistant Science Teacher in Madersa Bhermara, P.O.- Talbari, Via-Barsi, District-Purnea (Bihar), Madarsa No.310.
 3. Md. Shafaat Alam, S/o Md. Yasin, At Channi, P.O.-Channi (Doria), P.S.-Rauta, Via- Baisee, District-Purnea and at Presently Working as an Assistant Science Teacher in Madersa Khalilia Nahrakol, P.O.-Talbari, Amour, Purnea, Madarsa No. 359.
 4. Md. Noushad Alam, S/o Md. Jamiluddin, Resident of Village- Surha, P.O.- Amour, Via- Baisi, District-Purnea (Bihar) and at Presently Working as an Assistant Science Teacher in Madarsa Doria Idgah, P.O.- Channi Doria, Via-Baisi, District-Purnea, Madarsa No. 332.
 5. Sk Anisur Rahman 'Shams', S/o Sk Samsul Haque, Resident of Village-Dharambari, P.O.-Hafanea, Via- Baisi, District- Purnea (Bihar) and at Presently Working as an Assistant Science Teacher in Guncha-e-Islam Dharambari, P.O.- Hafania, Via-Baisi, District-Purnea, Madarsa No. 1261.

.... Petitioner/s

Versus

1. The Union of India through its Ministry of Human Resources Department, Government of India, New Delhi.
2. The Secretary, Human Resources Department, Government of India, New Delhi.
3. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Principal Secretary, Education Department, Government of Bihar, Patna.
5. The Director Secretary, Education Department, Government of Bihar, Patna.
6. The Deputy Director, Secondary Education, Government of Bihar, Patna.
7. The Special Director, Secondary Education, Government of Bihar, Purnea.
8. The Distinct Education Officer, Patna.
9. The District Programme Officer, (Establishment), Purnea.
10. The Bihar State Madarsa Education Board, Patna through its Chairman.
11. The Chairman, Bihar State Madarsa Education Board, Patna.
12. The Secretary, Bihar, State Madarsa Education Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17
For the Board : Mr. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 02-05-2018



Heard learned counsel for the petitioners and State.

2. Learned counsel for the petitioners submits that the issue with regard to payment of salary depends on the approval of their services, but the competent authority is sitting tight over the matter and as a result of the inaction the petitioners are going without salary for the last nearly two decades. He submits that the petitioners have already filed representation before the Special Director, Secondary Education (respondent no.7). Learned counsel submits that from perusal of Annexure-6, it would be evident that the case of 97 teachers was under consideration, out of which services of certain teachers have been absorbed, but in the matter of petitioners the respondent authorities are indecisive.

3. Considering the totality of the facts situation and the fact that in similar facts situation, this Court has passed order in C.W.J.C. No. 16465 of 2016, the present writ application is also disposed of in the similar manner. The relevant part of the judgment dated 06.03.2018 passed in C.W.J.C. No. 16465 of 2016 reads as follows:

“In the aforesaid circumstances, the Madarsa Board is directed to take final decision considering the relevant document, which was considered in the matter of grant of approval to similarly circumstance including the petitioner nos. 3, 4, 5, 8 and 9. Final decision in this regard may be taken



within a period of two months from the date of receipt/production of a copy of this order.

In case, the Madarsa Board approves the services of petitioner nos. 1, 2, 6 and 7, similar benefit should be extended to them like the petitioner nos. 3, 4, 5, 8 and 9 in the matter of grant of arrears and current salary. In the event, the Madarsa Board does not find merit in the claim of petitioner nos. 1, 2, 6 and 7, the Madarsa Board is required to assign reason i.e. the distinguishable features, which disentitle the petitioner nos. 1, 2, 6 and 7. The entire exercise in this regard must be taken by the Madarsa Board within a period of three months from the date of receipt/production of a copy of this order.”

4. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.05.2018
Transmission Date	

