

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13878 of 2019

Md. Shamim Akhtar S/o Samsul Haque R/o Masjid, Buari dagarua, Buari, Dagrua Hat, Purnea, Bihar-854326 and present working as an Assistant Science Teacher in Madarsa, islamiaya, Taibule, Ulu, Giyagachhi, Post-Kanharia, Purnea, (Madarsa no. 1227)

... .. Petitioner/s

Versus

1. The Secretary Human Resources Development Department, Government of India, New Delhi
2. The Principal Secretary Education Development Department, Govt. of Bihar, Patna
3. The Special Director Secondary Education, Govt. of Bihar, Patna
4. The District Education Officer Purnea
5. The District Programme Officer (Establishment) Purnea
6. The Chairman Bihar State Madarsa Education Board, Patna
7. The Secretary Bihar State Madarsa Education Board, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Singh, Adv
For the Respondent/s	:	Mr. Subhash Chandra Mishra (Sc16)
For respondent no.1	:	Mr. Rajesh Kumar Verma, ASG
For respondent nos. 6 & 7:	:	Mr. Shri Prakash Srivastava, Adv

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Petitioner has approached this court for a direction to the respondents to grant approval of service of the petitioner and arrears of salary with effect from initial date of joining.

Shri Prakash Srivastava, learned counsel appearing on behalf of the Madarsa Board submits that similar issue was decided by this Court in C.W.J.C. No. 8088 of 2018 vide oral



judgment dated 2.5.2018 where on consideration of the entire facts and circumstances the Court directed the Madarsa Board to take appropriate decision.

The relevant part of the oral judgment dated 2.5.2018 is quoted below:-

“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.”

In view of the above, the present writ application is disposed of in the same terms.

(Anil Kumar Upadhyay, J)

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