

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6952 of 2020**

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1. Asfaque Ahmad, S/o - Zahiruddin, Resident of village and P.O. - Bojgaon, P.S. Kasba, District- Purnea, Presently working as Madarsa Teacher in Madarsa Faize Rahmani, Bhonkri Idgah, P.O. Majuha, P.S. Kasba, Madarsa No. 355, District- Purnea.
2. Ahmad Hussain, S/o - Md. Kalimuddin, Resident of village and P.O. Madhour, P.S. Kasba, District- Purnea, Presently working as Madarsa Teacher in Madarsa Ashrafiya Rahmania, P.O. Mathour, Madarsa No. 310, District- Purnea.
3. Md. Tanweer Alam, S/o Md. Aiub, Resident of village - Bhonkri Tola-Noorganj, P.O. Majhuwa Kala, P.S. Kasba, District- Purnea, Presently working as Madarsa Teacher in Madarsa FAize Rahmani, Bhonkri Idgah, P.O. Mahuwa, P.S. Kasba, Madarsa No. 355, District- Purnea.
4. Sarwar Alam, S/o Shareefuddin, Resident of village - Bishanpur, P.O. Tolikola, P.S. Kasba, District - Purnea, Presently working as Madarsa Teacher in Madarsa FAize Rahmani, Bhonkri Idgah, P.O. Mahuwa, P.S. Kasba, Madarsa No. 355, District- Purnea.
5. Md. Noorul Haque Ansari, S/o Md. Quasmrul Hoda Ansari, Resident of village - Basanpur, P.O. Majhuwa Kala, P.S. Kasba, District- Purnea, Presently working as Madarsa Teacher in Madarsa Faize Rahmani, Bhonkri Idgah, P.O. Majuha, P.S. Kasba, Madarsa No. 355, District- Purnea.
6. Md. Nadeem Iqbal, S/o Md. Iqbal, Resident of village - Mohan Kunda Gulabbag, P.S. Sadar, District- Purnea, Presently working as Madarsa Teacher in Madarsa Noorul Islam, Lakhangari, P.O. Mohankunda, P.S. Sadar, Madarsa No. 1032, District- Purnea.
7. Md. Nasar Aqubal, S/o- Md. Sanaullah, Resident of village - Islampur, P.O. Khemchandra, P.S. K. Nagar, District- Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom at Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
8. Md. Jahangir Alam, S/o Habibur Rahamn, Resident of village - Zagruya, P.O. jagaili Hat, P.S. Sri Nagar, District- Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom at Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
9. fMd. Akram Alam, S/o - Noorul Hassan, Resident of village - Sabutar, P.O. Kajaha, P.S. K. Nagar, District- Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom at Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
10. Md. Zaffar Imam, S/o - Ali Imam, Resident of village - Sabuttar, P.O. Kajaha, P.S. K. Nagar, District - Purnea, Presently working as Madarsa Teacher in Madarsa Hayatul Uloom, Sabutar, P.O. Kajaha, P.S. K. Nagar, Madarsa No. 341, District- Purnea.
11. Md. Mahboob Alam, S/o Gulam Rasool, Resident of village - Sabutar, P.O. Kajaha, P.S. K. Nagar, District Purnea, Presently working as Madarsa Teacher in Madarsa Hayatul Uloom, Sabutar, P.O. Kajaha, P.S. K. Nagar, Madarsa No. 341, District- Purnea.



12. Md. Murtaza Azad, S/o - Md. Islamuddin, Resident of village - Chakparora, P.O. Parora, P.S. K. Nagar, District Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom, Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
13. Mirza Dilnawaj Alam, S/o Mirza Gaisul, Resident of village - Chakparora, P.O. Parora, P.S. K. Nagar, District Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom, Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
14. Md. Dilshad, S/o - Md. Minnatullah, Resident of village - Chakparora, P.O. Parora, P.S. K. Nagar, District Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom, Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
15. Abdus Samad, S/o - Sk. Sharfuddin, Resident of village - Islampur, P.O. Khemchandra, P.S. K. Nagar, District - Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom, Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
16. Md. Nasir Hussain, Md. Noorullah, Resident of village - Islampur, P.O. Khemchandra, P.S. K. Nagar, District - Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom, Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
17. Md. Israil, S/o - Sk. Kamruddin, Resident of village - Islampur, P.O. Khemchandra, P.S. K. Nagar, District - Purnea, Presently working as Madarsa Teacher in Madarsa Anwarul Uloom, Islampur, P.O. Khemchandra, P.S. K. Nagar, Madarsa No. 292, District- Purnea.
18. Md. Arshad, S/o Md. Hasibur Rahman, Resident of village - Rasaili, P.O. Adhang, P.S. Amour, District Purnea, presently working as Madarsa Teacher in Madarsa Kalimia, At - Rasaily, P.O. Adhang, P.S. Amour, Madarsa No. 315, District- Purnea.
19. Md. Perwez Alam, s/o Md. Naziruddin, Resident of village - Rasaili, P.O. Bishunpur, P.S. Amour, District- Purnea, Presently working as Madarsa Teacher in Madarsa Kalimia, Rasaily, P.O. Adhang, P.S. Amour, Madarsa No. 315, District- Purnea.
20. Md. Mafizur Rahman, S/o - Abdul Wadood, Resident of village - Baghbana, P.O. Amour, P.S. Amour, District Purnea, Presently working as Madarsa Teacher in Madarsa Misbahul Uloom Baghbana, P.O. Amour, P.S. Amour, Madarsa No. 1249, District- Purnea.
21. Sahid Hussain, S/o - Zahiruddin, Resident of village and P.O. Ahalgawn, P.S. Jalalgarh, District- Purnea, Presently working as Madarsa Teacher in Madarsa Rahmania Gehwan, P.O. Ahalgaon, P.S. Jalalgarh, Madarsa No. 325, District- Purnea.
22. Md. Haarish, S/o - Kalimuddin, Resident of village - Madhaili, P.O. Gaira, P.S. jalalgarh, District- Purnea, Presently working as Madarsa Teacher in Madarsa Rahmania Gehuwan, P.O. Ahalgaon, P.S. Jalalgarh, Madarsa No. 325, District- Purnea.
23. Md. Tausif Akhtar, S/o Md. Shamim Akhtar, Resident of village - Gehuwan Ahalgawn, P.S. Jalalgarh, District- Purnea, Presently working as Madarsa Teacher in Madarsa Rahmania Gehuwan, P.O. Ahalgaon, P.S. Jalalgarh,



Madarsa No. 325, District- Purnea.

24. Shafiqur Rahman, S/o - Sheikh Jahan Ali, Resident of village - Kothi Tola, P.O. Begumpur, P.S. Jalalgarh, District- Purnea, Presently working as Madarsa Teacher in Madarsa Jamia Siddiquia, At and P.O. - Dagarua Hat, P.S. Dagarua, Madarsa No. 968, District- Purnea.
25. Md. Hammad Qaifi, S/o- Mohd. Shaad Azam Rahi, Resident of village - Nandania, P.O. Mirpur, P.S. Rauta, District- Purnea, Presently working as Madarsa Teacher in Madarsa Islamia Arbia, Nandania, P.O. Mirpur, P.S. Rauta, Madarsa No. 327, District- Purnea.
26. Md. Shamsad Nasir, S/o- Md. habibur Rahman, Resident of village - Jhawa Moni, P.O. Meerpur Hat, P.S. RAuta, District- Purnea, Presently working as Madarsa Teacher in Madarsa Maimoonia Majhok, P.O. Runki, P.S. Rauta, Madarsa No. 568, District- Purnea.
27. Abu Naz Sajdi, s/o Sajdul Haque, Resident of village - Nandania, P.O. Meerpur Hat, P.S. Rauta, District Purnea, Presently working as Madarsa Teacher in Madarsa Maimoonia Majhok, P.O. Runki, P.S. Rauta, Madarsa No. 568, District- Purnea.
28. Md. Shams Quamer, S/o - Md. Majharul Haque, Resident of village - Bhagal, P.O. Angar Hat, P.S. Rauta, District - Purnea, Presently working as Madarsa Teacher in Madarsa Maimoonia Majhok, P.O. Runki, P.S. Rauta, Madarsa No. 568, District- Purnea.
29. Md. Shamsher Ali, S/o - Md. Iliyas, Resident of village - Kanhariya, P.S. Dagaruwa, District - Purnea, Presently working as Madarsa Teacher in Madarsa Maimoonia Majhok, P.O. Runki, P.S. Rauta, Madarsa No. 568, District- Purnea.
30. Md. Gulab Akhtar, S/o - Shamim Akhtar, Resident of village - Muradbhag, P.O. Garbainaili, P.S. Kasba District- Purnea, Presently working as Madarsa Teacher in Madarsa Islamia Umedia at and P.O. - Garbainaili, P.S. Kasba, Madarsa No. 368, District - Purnea.
31. Hasibuddin @ Md. Hasibuddin, S/o - Md. Mofij, Resident of village - Dogachia, P.O. and P.S. Kasba, District- Purnea, Presently working as Madarsa Teacher in Madarsa Kalimia Urdu Bazar, P.O. Kasba, P.S. Kasba, Madarsa No. 849, District Purnea.
32. Md. Qurban, S/o Gari Bakhsh, Resident of village - Makaili, P.O. Makaili Belgachhi, P.S. Amour, District- Purnea, Presently working as Madarsa Teacher in Madarsa Mahmoodia Bishanpur, Parsarai, P.O. Toli Kola, P.S. Amour, Madarsa No. 303, District- Purnea.
33. Md. Manzoor Alam, S/o Abdus Subhan, Resident of village and P.O. Rautara, District- Katihar, Presently working as Madarsa Teacher in Madarsa Riyazul Uloom, Mirzabari, P.O. Betouna, P.S. Kasba, Madarsa No. 365, District- Purnea.
34. Abdus Sattar, S/o Abdul Hakim, Resident of village - Mirzabari, P.O. Betouna, P.S. Kasba, District- Purnea, Presently working as Madarsa Teacher in Madarsa Riyazul Uloom, Mirzabari, P.O. Betouna, P.S. Kasba, Madarsa No. 365, District- Purnea.
35. Md. Masood Raza, S/o Md. Shamsul Haque, Resident of Village - Khopra, P.O. Asja Mobaiya, P.S. Baisi, District- Purnea, presently working as



- Madarsa Teacher in Madarsa Manzare Haque at Muradia, P.O. Khopra, P.S. Baisi, Madarsa No. 1255, District- Purnia.
36. Md. Absar Ahmad, S/o - Md. Talimuddin, Resident of village - Asrafabad Baluganj, P.O. Karora, P.S. Barsoi District- Katihar, presently working as Madarsa Teacher in Madarsa Gulshan- e- Mustafa, Nematpur, Majhua, P.O. Baisi, Madarsa No. 1248, District- Purnea.
  37. Md. Jahangir, S/o - Azad Ali, Resident of village - Chatia, P.O. Bhoga, Bhatgama, P.S. Mufassil, District- Purnea, presently working as Madarsa Teacher in Madarsa Faizul Gurba, Akhtiyarpur, Mahdeopur, P.O. Burhiya, P.S. Kasba, Madarsa No. 295, District- Purnea.
  38. Sarfaraz Ahmad, S/o - Shabbir Ahmad, Resident of village and P.O. - Hafania, P.S. Amour, District- Purnea, presently working as Madarsa Teacher in Madarsa Shahedul Islam Bara Rehuwa, P.O. Sja Mobaiya, P.S. Amour, Via- Baisi, Madarsa No. 364, District- Purnea.
  39. Mohd. Masood Alam @ hafiz Md. Masood Alam, S/o- Md. Manzoor Alam, Resident of village - Jhirwapurwari, P.O. Simraha, P.S. Simraha, District - Araria, presently working as Madarsa Teacher in Madarsa Miftahul Uloom Rahikpur, P.O. Jagali, P.S. Sri Nagar, Madarsa No. 602, District- Purnea.
  40. Md. Nasir Ahmad, S/o - Md. Anwarul Haque, Resident of village - Daspatar, P.O. Siyar Kham, P.S. Dagarwa, District- Purnea, presently working as Madarsa Teacher in Madarsa Uloom, Nazarganj Daspatar, P.S. Dagarwa, Madarsa No. 329, District- Purnea.
  41. Md. Ashfaq Alam, S/o Md. Gayasuddin, Resident of village - Khanaghat, P.O. Sadhu Bholi, P.S. Kasba, District- Purnea, presently working as Madarsa Teacher in Madarsa Islahul Muslamia, Khairbari, P.O. Sadhubholi, P.S. Kasba, Madarsa NO. 350, District- Purnea.
  42. Md. Afroz Alam, S/o Asiruddin, Resident of village - Quaimi, P.O. Sudhwely, P.S. Kasba, District- Purnea, presently working as Madarsa Teacher in Madarsa Ashrafiya Rahmania, At and P.O. Mathour, P.S. Kasba, Madarsa No. 318, District- Purnea.
  43. Md. Aftab Ahmad, S/o Sulaiman, Resident of village - Baliarpur, P.O. Chouki Haripur, P.S. Kadua, District Katihar, presently working as Madarsa Teacher in Madarsa Islamia Kakoran, P.O. Amari Kakoran, P.S. and Block - Dhamdaha, Madarsa No. 347, District- Purnea.
  44. Abdul Wahid Ansari, S/o Abdul Rashid Quadri, Resident of village and P.O. Bhatgaon, P.S. Dawar Chapra, District- Chapra, presently working as Madarsa Teacher in Madarsa Quadria Anwarul Uloom, at Sarbela, P.S. Sarbaila, Madarsa No. 244, District- Saharsa.
  45. Md. Jawed Akhtar, S/o - Malik Altaf Hussain, Resident of village and P.O. Khoksa, P.S. baisi, District- Purnea, presently working as Madarsa Teacher in Madarsa jamia Aziziya Khoksa Sahpur, P.S. Baisi, Madarsa No. 748, District- Purnea.
  46. Khwaja Ali Rasul, S/o - Khwaja Fariyad Alam, Resident of village - Fakirtoli, P.O. Asja Mobaiya, P.S. Baisi, District - Purnea, presently working as Madarsa Teacher in Madarsa Mohil Islam Bajardih, P.O. Asja Mobaiya, P.S. Baisi, Madarsa No. 358, District- Purnea.
  47. Md. Anwar, S/o - Abdul Mannan, Resident of village - Chilhani Idgah, P.O.



- Hafania, P.S. Baisi, District- Purnea, presently working as MadarsaTeacher in Madarsa Hamidia Kutubul Uloom Chilhani Idgah, P.O. Hafania, P.S. baisi, Madarsa No. ...., District- Purnea.
48. Md. Baqar Hussain, S/o Md. Siddique, Resident of Village-Kani Maldhi, Surjapur, P.O. Hafania, P.S. Baisi, District-Purnea, presently working as Madarsa Teacher in Madarsa Rizwania Islamia, Surjapur, P.O. Hafania, P.S. Baisi, Madarsa No. 1245, District-Purnea.
  49. Md. Shahnawaz Alam, S/o Abdur Rub, Resident of Village-Sirsi, P.O.- Sirsihat, P.S. Rauta, District-Purnea, presently working as Madarsa Teacher in Madarsa Ashatul Uloom at Kani Maldah, P.O. Hafania, P.S. Baisi, Madarsa No. 366, District-Purnea.
  50. Md. Shamshir Alam, S/o Farmud Alam, Resident of Village-Kani Maldeh, P.O.-Hafania, P.S. Baisi, District-Purnea, presently working as Madarsa Teacher in Madarsa Ashatul Uloom at Kani Maldah, P.O. Hafania, P.S. Baisi, Madarsa No. 366, District-Purnea.
  51. Md. Matiur Rahman, S/o Labdi Mandal, Resident of Village-Dargah Tola, Chimni Bazar, P.O and P.S.-Purnia Sadar, District-Purnea, presently working as Madarsa Teacher in Madarsa Faizul Ghorba Chimni Bazar, P.O. Purnea City, P.S. Purnea City, Madarsa No. 296, District-Purnea.
  52. Abul Hasan, S/o Hazrat Hussain, Resident of Village-Godna Khan Toli, P.O. Revelganj, P.S. Revelganj, District-Saran, Madarsa No. 31.
  53. Azharuddin Khan, S/o Alauddin Khan, Resident of Village-Godna Khan Toli, P.O. and P.S.-Revelganj, District-Saran, presently working as Madarsa Teacher in Madarsa Hamidia Godna, P.O. Revelganj, District-Saran, Madarsa No. 31.
  54. Jalil Ahmad, S/o Md. Rasul Hussain, Resident of Village-Godna, P.O. and P.S-Revelganj, District-Saran, presently working in Madarsa Hamidia Godna, P.O. Revelganj, District-Saran, Madarsa No. 31.
  55. Md. Masum Raza, S/o Abdur Rashid, Resident of Village-Banka Tola, P.O. Andhuwely, P.S. Kasba, District-Purnea, presently working as Madarsa Teacher in Madarsa Aalia Faizul Ghoraba, Rajbanaily, P.O. Sadhuwely, P.S. Kasba, District-Purnea, Madarsa No. 298.
  56. Saiful Islam, S/o Abdullah, Resident of Village-Naya Tola Damdama, P.O. Matkoiya, P.S. Kasba, District-Purnea, presently working as Madarsa Teacher in Madarsa Aalia Faizul Ghoraba, Rajbanaily, P.O. Sadhuwely, P.S. Kasba, District-Purnea, Madarsa No. 298.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Finance Secretary, Finance Department, Govt. of Bihar.
3. The Principal Secretary Education Department, Govt. of Bihar, Patna.
4. The Joint Secretary Education Department, Govt. of Bihar, Patna.
5. The Director Primary Education Govt. of Bihar, Patna.
6. The Special Director Higher Secondary Education Department, Govt. of Bihar, Patna.



7. The District Education Officer Purnea, District-Purnea.
8. The District Education Officer Saran, District-Saran at Chapra.
9. The District Education Officer Saharsa, District-Saharsa.
10. The Bihar State Madarsa Education Board through its Secretary, Phulwarisharif, Patna.

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

**Appearance :**

For the Petitioner/s : Mr. Md. Ziaul Quamar, Adv  
For the Respondent/s : Mr. Ajay Kumar Rastogi AAG-10

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**Date : 25-06-2021**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That the petitioner would seek to challenge the constitutional validity of paragraph no. 6 of letter dated 31.08.2013 issued under the signature of Respondent no. 4 and contained in his letter No. 10/FW-6/1994 (part) 970 dated 31.08.2013 whereby and whereunder while sanctioning the revised pay scale for Madarsa Teachers in the State, the Respondent No. 4 has directed under paragraph no. 6 of the said letter that the benefits of said pay revision would be admissible only to those, who were appointed before 15.02.2011 whereas the teacher appointed after 15.02.2011 would get only fixed salary, on the ground that the said direction issued under paragraph no. 6 is bad in law and it also offends the provisions contained under Article 14 of the constitution of India.



The petitioners would further seek a writ in the nature of mandamus, commanding and directing the Respondent authorities for payment of their salary in the revised pay scale with effect from the date since when the writ petitioners were appointed against the sanctioned and vacant post of Madarsa Teacher in their respective Madarsa with arrears of salary, if any, which shall be found due in favour of the writ petitioners. The petitioners would disposed the aforesaid writ application in the light of CWJC No. 985 of 2015 allowed 27.03.2019 by Hon'ble Chief Justice and Hon'ble Mr. Justice Smt. Anjana Mishra and also consequential benefit. And for issuance of any other appropriate writ/writs/, order/orders, direction/directions for which the petitioners would be found entitled under the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the **Special Director Higher Secondary Education Department, Govt. of Bihar, Patna** to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably



within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in



accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

ranjan/-

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

