

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18996 of 2021

1. Md. Amanullah Son of Abdul Jalil, Resident of AT/P/O/ and P.S. Nanpur, District-Sitamarhi Presently Working as Head Maulvi Madarsa Jamiea Mohammadia, AT/P/S/ nanpur, District-Sitamarhi.
2. Md. Ghazali, Son of Mojibur Rahman, Resident of Village- Raipur, P.S. Nanpur, District-Sitamarhi, Presently Working as Head Maulvi in Madarsa Rashidia Raipur, P.S. Nanpur, District-Sitamarhi.
3. Md. Shahid Ashraf, Son of Md. Aiyub, Resident of Village-Parwaha, P.S. Parihar, District-Sitamarhi, Presently Working as Head Maulvi in Madarsa Rashidia Bela Khop, P.S. parihar, District-Sitamarhi.
4. Md. Alisher Son of Mozim, resident of Village-Janki Asthan, P.S. and District-Sitamarhi, Presently Working as an Assistant teacher in Madarsa Islamia Arabia Jama Masjid, Sitamarhi.
5. Md. Umar Saifullah Son of Habibur Rahman Resident of Village-Surihara, P.S. Parihar, District-Parihar Presently Working as Clerk in Madarsa Anwarul Uloom Kumha, Sutihara, P.S. Parihar, District-Sitamarhi.
6. Md. Sadre Alam Son of Md. Akbar, Resident of Village-Sutihara, P.S. Parihar, District-Sitamarhi, Presently Working as Peon, Madarsa Anwarul Uloom Kumha, Sutihara, P.S. Parihar, District-Sitamarhi.
7. Md. Arshad Son of Qari Abdul Malik, Resident of Village-Bariarpur, P.S. and District-Sitamarhi an Assistant Maulvi (Alim) in Madarsa Islamia Tajwadul Quran, P.S. and District-Sitamarhi
8. Hafiz Abdul Mannan Son of Md. Ayub Resident of Village-Awapur, P.S. Pupri, District-Sitamarhi, Presently Working as an Assistant Maulvi in Madarsa Jamia Islamia, Awapur, P.S. Pupri, District-Sitamarhi.
9. Md. Lale Son of Md. Manzoor Alam, Resident of Village/ P.S. Nanpur, District-Sitamarhi, Presently Working as Assistant teacher (Matric) in Madarsa Jamia Mohammadia, Nanpur, P.S. Nanpur, District-Sitamarhi.
10. Md. Saghir Ahmad Son of Md. Yunus, Resident of Village-Raipur Kauria, P.S. Raipur, District-Sitamarhi, Presently Working as Assistant Teacher (Hafiz) Madarsa Anwarul Uloom Kumha, Sutihara, P.S. Parihar, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Joint Secretary, Education Department, Government of Bihar, Patna
5. The District Education Officer, Sitamarhi, District-Sitamarhi.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate
For the Respondent/s : Mr. Ram Vinay Pd. Singh, AC to G.A. 12

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

Date : 18-11-2021

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“(A) For issuance of appropriate writ/order or direction for declaration of Clause-6 of Govt. Resolution issued under Letter No. 10/01-3-06/1994 (wa) 970, dt. 31.08.2013 ultravires Constitution of India whereby and whereunder instruction has been issued that the contribution will be paid on the basis of calculation of fixed salary to those teachers, in place of regular pay scale, who are appointed against the vacancy on or after 15.02.2011 by the State Government.

(B) For issuance of appropriate writ/order or direction in the nature of mandamus commanding the respondents concerned to make payment of salary of the petitioners in same manner as was being paid to them before issuance of the State Government Resolution as contained in Letter No. 10/01-3-06/1994 (Ansh) 970, dt. 31.08.2013 (Annexure-3) that too taking into account the order passed by this Hon’ble Court dated 27.03.2019 in CWJC No.985 of 2015 (Annexure-4) to this writ petition) as this resolution is ultravires of the constitution of India.

(C) For issuance of appropriate writ/order or direction commanding the respondents to make payment of arrears of salary claim of the petitioners from 15.02.2011 to till date after making its proper calculation with 12%



interest.

(D) For any other relief or reliefs for which the petitioners are found entitled in the opinion of this Hon'ble Court.”

Learned counsel for the petitioners prays that the instant petition be disposed of exactly in the same terms as contained in the judgment dated 27th March, 2019 passed in **CWJC No. 985 of 2015 titled as Imran Alam Vs. the State of Bihar & Ors.** He further states that petitioners be permitted to represent the authority concerned venting out the grievances.

Learned counsel for the respondents states that if the petitioners represent before the authority concerned and if it finds that the case of the petitioners is squarely covered in terms of the judgment and order passed in **Imran Alam** (supra), then all observations and directions contained in the said judgment shall apply to the case of the petitioners *mutatis mutandis* and appropriate order will be passed as per law.

In view of the above submissions, this writ petition is disposed of with a direction that if the authorities find that the case of the petitioners is squarely covered in terms of the judgment and order passed in **Imran Alam** (supra), then all observations and directions contained in the said judgment shall apply to the case of the petitioners *mutatis mutandis* and appropriate order may be passed as per law.



Also liberty is reserved to the petitioners to approach the Court on the same and subsequent cause of action if the need so arises in future.

Accordingly, the writ petition is disposed of with the above observations and directions.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.11.2021
Transmission Date	

