

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7099 of 2022

1. Md. Reyaz Son of Md. Taslim Resident of Village- Qureshi Tola Harihans, P.S.- Hussainganj, District- Siwan, Assistant Maulvi (Alim) in Madarsa Alimia Shahpur Sakra P.S.- G.B. Nagar Tarwara, District- Siwan.
2. Md. Fayyaz Ahmad Son of Hafiz Md. Nasir Resident of Village- Banaul, P.S.- Nanpur, District- Sitamarhi, Head Maulvi in Madarsa Alimia Shahpur Sakra P.S.- G.B. Nagar Tarwara, District- Siwan.
3. Abrar Ali Son of Late Md. Muslim Resident of Village- Makhdoom Sarai Lahera Tola, P.S.- Sarai Thana, District- Siwan, Assistant Teacher in Madarsa Islamia Firozpur, P.O.- Andar, District- Siwan.
4. Md. Samiullah Ansari Son of Md. Habibullah Resident of Village- Shahpur, P.S.- G.B. Nagar Tarwara, District- Siwan, Assistant Teacher in Madarsa Alimia Shahpur Sakra, P.S.- G.B. Nagar, Tarwara, District- Siwan.
5. Shamim Ahmad Son of Md. Mustaqeem Ansari Resident of Village- Dumra, P.S.- Jamo Bazar, District- Siwan, Assistant Maulvi in Madarsa Islamia Firozpur, P.S.- Ander, District- Siwan.

... .. 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, Siwan, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman
For the Respondent/s : Mr.Pawan Kumar (A.C. To A.G.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-05-2022

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 dated 31.8.2013 ultravires constitution of India whereby and where under 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 15.2.2011 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 the same manner as was being paid to them before issuance of the State Government Resolution as contained in letter no. 10/93-06/1994 (Ansh) 970 dated 27.3.2019 in C.w.J.C. 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)

(Satyavrat Verma, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	

