

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4266 of 2024

1. Md. Razzak son of Abdul Majid, resident of Mohalla- Chhaka Jurja, Police Station- Baheri, Ward No. 10, District- Darbhanga, Presently working as Madarsa Teacher in Madarsa Talim-E- Niswan Hussainpur Chandrasenpur, District-Madhubani.
2. Meraj Kausar, D/o Md. Zahirul Haque, resident of village- Hussainpur, P.S. Rahika, District- Madhubani, Presently working as Madarsa Teacher in Madarsa Talim- E- Niswan Hussainpur Chandrasenpur, District-Madhubani.
3. Umme Salma, D/o Md. Quraish, resident of village Hussainpur, P.S. Rahika, District- Madhubani, Presently working as Madarsa Teacher in Madarsa Talim - E- Niswan Hussainpur Chandrasenpur, District- Madhubani.
4. Parwej Alam, Son of Maulana Zakirur Rahman Quasmi, resident of village- Dubiyahi Arer, P.S. Bisfi, District- Madhubani, Presently working as Madarsa Teacher in Madarsa Usmania, At Dubiyahi, P.O. Simri, P.S. Arerhat, District- Madhubani.
5. Md. Jawedul Haque, son of Md. Zahirul Haque, resident of village- Dubiyahi, P.S. Arerhat, District - Madhubani, Presently working as Madarsa Teacher in Madarsa Usmania, At Dubiyahi, P.O. Simri, P.S. Arerhat, District- Madhubani.

... .. 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, Madhubani.
6. The District Programme Officer, (Establishment), Madhubani.
7. The Bihar State Madarsa Education Board, Patna through the Secretary.
8. The Chairman, The Bihar State Madarsa Education Board, Vidypati Marg, Patna.
9. The Secretary, The Bihar State Madarsa Education Board, Vidyapati Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Rahmatullah, Advocate
For the State	:	Mr. Amish Kumar, Advocate
For Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Md. Aslam Ansari, Advocate



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

Date : 03-04-2024

The petitioners who are Madarsa teachers seek for regular pay scales.

2. Mr. Amish Kumar, learned Counsel for the State, points out that the issue is covered by a Division Bench judgment of this Court dated 18.12.2023 passed in **CWJC No. 12675 of 2023** titled as **Md. Ataul Moin and Ors Vs. the State of Bihar and Anr.**

3. We extract paragraph nos. 3 and 4 from CWJC No. 12675 of 2023, delivered by another Division Bench of this Court:-

“3. We do not, however, see any averment as to the petitioners’ appointments having been made to Madarsa which was recognized prior to 15.02.2011. In any event, if the separate appointments of the petitioners were made to such Madarsa, which was recognized prior to 15.02.2011 and which received grant-in-aid prior to that date, necessarily, the petitioners would be entitled to be continued in the pay scale to which they were appointed, if they were appointed prior to 15.02.2011 or between 15.02.2011 and 31.08.2013 and there could be no modification made based on the subsequent resolution dated 31.08.2013.

4. With the above declaration, the writ petition is disposed of directing the petitioners to make appropriate representation before Respondent No. 3 specifically indicating their date of appointment



and also furnishing evidence as to their date of appointment as also the recognition of their Madarsa prior to 15.02.2011. The representation shall be considered and disposed of based on the cited decision within a period of three weeks from the date of furnishing of evidence.”

4. In such circumstance, the writ petition is disposed of directing the petitioners to approach respondent no. 3, with a representation specifically establishing their date of appointment as well as recognition of the Madarsa in which they were appointed. If such a representation is filed by the petitioners, the same shall be disposed of in accordance with law expeditiously.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2024
Transmission Date	NA

