

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5457 of 2024

1. Md. Nayyar Azam son of Md. Shafique Ahmad, resident of Village-Rajpur, P.S.-Kishanpur, District-Supaul.
2. Md. Zeyaur Rahman, son of Md. Motiur Rahman, resident of Village-Basuhum Quaziana, P.S.-Bahera, District-Darbhangha.

... .. 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, Supaul, District-Supaul.
6. The District Education Officer, Darbhanga, District-Darbhangha.
7. The District Program Officer (Establishment), Supaul, District-Supaul.
8. The District Program Officer (Establishment), Darbhanga, District-Darbhangha.
9. The District Program Officer (Secondary Education), Supaul, District-Supaul.
10. The District Program Officer (Secondary Education), Darbhanga, District-Darbhangha.
11. The Bihar State Madarsa Education Board, Patna, through Secretary, Apex Tower, Haroon Nagar Colony, Sector-2, P.S. Phulwari Sharif, Patna.
12. The Secretary, Bihar State Madarsa Education Board, Apex Tower, Haroon Nagar Colony, Sector-2, P.S. Phulwari Sharif, Patna.
13. The Secretary, Madarsa Hanifia Majeedia Rajpur, P.S. Kishanpur, District-Supaul.
14. The Head Maulvi, Madarsa Hanifia Majeedia, Rajpur, P.S. Kishanpur, District-Supaul.
15. The Secretary, Madarsa Anisul Ghorba, at and P.S.-Bahera, District-Darbhangha.
16. The Head Maulvi Madarsa Anisul Ghorba, at and P.S.-Bahera, District-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Musowir, Advocate
For the Respondent/s	:	Mr.P.K.Shahi, A.G.
		Mr. Md. Aslam Ansari, Advocate



=====

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

Date : 04-04-2024

The learned counsel for the petitioners submits that the prayer made in the writ petition is to quash the Notification dated 31.08.2013, which is already quashed by a judgment of this Court. However, the prayer for grant of scales of pay is not raised in the above writ petition.

2. We notice that a number of cases have been disposed of by us directing consideration on the basis of the date of appointment and also the date from which the grant-in-aid was commenced to the Madarsa. We extract Paragraph-3 and 4 of the judgment dated 18.12.2023 in **CWJC No. 12675 of 2023**, titled as **Md. Ataul & Ors. Vs. The State of Bihar & Ors.**:-

“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.”

3. In such circumstance, the writ petition is disposed of directing the petitioners to approach the 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)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	05.04.2024
Transmission Date	

