

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19787 of 2021

1. Bihar Madarsa Shikshak Sangh (Rajya Parishad) Daroga Prasad Roy Patna through its General Secretary namely Syed Mohibbul Haque, aged about 63 years, Gender- Male, S/o Late Syed Mohammad, R/o Arazi Nawa Nagar, Tola - Quazichak, P.S.- Sahabganj, District - Muzaffarpur - 843125.
2. Bihar Sanskrit Prathmik-Sah- Madhyamik Shikshak Sangh, Jamal Road, Patna, through its General Secretary namely Shobha Kant Jha, aged about 62 years, Gender- Male, S/o Late Krishna Narayan Jha, R/o Village and Post - Deohar, P.S.- Andhrathari, District- Madhubani.

... .. Petitioners.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Finance Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Additional Chief Secretary, Education Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.
4. The Director, Secondary Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
5. The Special Director, Secondary Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
6. The Bihar State Madarsa Education Board, Apex Tower, Haroon Nagar, Sector -II, Phulwarisharif, Patna, through its Secretary.
7. The Chairman, Bihar State Madarsa Education Board, Apex Tower, Haroon Nagar, Sector - II, Phulwarisharif, Patna.
8. The Secretary, Bihar State Madarsa Education Board, Apex Tower, Haroon Nagar, Sector - II, Phulwarisharif, Patna.
9. The Bihar Sanskrit Shiksha Board, Back Harding Road, Flat No. 17, Gardani Bagh, Patna through its Secretary.
10. The Chairman, Bihar Sanskrit Shiksha Board, Back Harding Road, Flat No. 17, Gardani Bagh, Patna.
11. The Secretary, Bihar Sanskrit Shiksha Board, Back Harding Road, Flat No. 17, Gardani Bagh, Patna.

... .. Respondents.

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s	:	Smt. Shilpa Singh, GA-12
For the Madarasa Board	:	Mr. Shahzad Hasan Khan, Advocate
		Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-02-2024 Heard learned counsel for the parties.



2. The defect (s) pointed out by the office is ignored.

3. The petitioners have prayed for following reliefs:

i. Issuance of an order, direction or a writ in the nature of mandamus commanding the respondents concerned to grant all due benefits to the members of the petitioners, to which they are entitled to in view of the State Government Resolution No.237 dated 20.02.1990 (Annexure-1 to this writ petition), that too, with all its consequential benefits.

ii. To hold and declare that in view of the provisions as contained in Clause 4 (C) (1) of the Bihar State Litigation Policy, 2011, the members of the petitioners (Retired and working Teaching and Non Teaching Employees of the recognised and aided 1128 Madarsas and 576 Sanskrit Schools) are entitled for being granted identical and similar benefits, as has been ordered to be granted to Mr. Neyaz Ahmed by this Hon'ble Court vide order dated 28.01.2021 in C.W.J.C. No.4145 of 2019.

4. Mr. Purushottam Kumar Jha, learned counsel

appearing for the petitioners submits that the grievances/issues raised by the petitioners in the present writ petition has already been decided by this Court vide order dated 28.01.201 passed in C.W.J.C. N.4145 of 2019 (Neyaz Ahmed Vs. The State of Bihar and others) and the respondents were directed to make payment of entire retiral dues to the petitioner within a period of



three months from the date of receipt/production of a copy of the order, failing which the respondent would be liable to pay interest of 8% per annum on delayed payment till its actual payment. Learned counsel for the petitioners further submits that the case of the petitioners are identical and similar of the petitioner of C.W.J.C. No.4145 of 2019, hence they are also entitled for the same benefit. He further submits that the petitioners have filed detailed representation before the Hon'ble Chief Minister, Government of Bihar, Education Minister, Government of Bihar and the Principal Secretary, Department of Education, Government of Bihar and requested to grant all due pensionary benefits and other claims to the Teaching and Non-Teaching Employees of the said 1128 Madarsas and 576 Sanskrit Schools taking into account the provisions as contained in Clause 4 (C) (1) of the Bihar State Litigation Policy, 2011.

5. After hearing learned counsel for the parties, in my considered opinion, no useful purpose would be served in keeping this writ petition pending. In such view of the matter, the petitioners are directed to file a detailed fresh representation before the Principal Secretary, Education Department, Government of Bihar along with a copy of this order within a period of one week from today. The Principal Secretary is



directed to dispose of the same by a reasoned order in accordance with law after giving proper opportunity of hearing to the parties concerned within a period of six weeks after taking into consideration the order dated 28.01.2021 passed in C.W.J.C. No.4145 of 2019 as also the Bihar Litigation Policy, 2011.

6. With the aforesaid directions, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

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