

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4308 of 2025

1. Shribhagwan Singh @ Shri Bhagwan Singh son of Late Ganesh Singh, resident of Village- Pawani, P.S.- Buxar (Muffasil), District- Buxar, Headmaster in Adarsh Sanskrit High School Chunni Buxar.
2. Harihar Rai, son of Yadunandan Rai, resident of Village- Chunni, P.S.- Buxar (Muffasil), District- Buxar, Assistant Teacher in Adarsh Sanskrit High School Chunni Buxar.
3. Sidhnath Prasad, son of Late Banarsi Prasad, resident of Village- Karahasi, P.S.- Buxar (Muffasil), District- Buxar, Assistant Teacher in Adarsh Sanskrit High School Chunni Buxar.
4. Bhola Nath Chaturvedi, son of Late Jiutvandhan Chaturvedi, resident of Mohalla- Shanti Nagar, Ward no.- 34, P.S.- Buxar, District- Buxar, Assistant Teacher in Adarsh Sanskrit High School Chunni Buxar.
5. Dhaneshwar Singh, son of Late Patiram Singh, resident of Village- Chunni, P.S.- Buxar (Muffasil), District- Buxar, Assistant teacher in Sawashbhasha Devi Sanskrit Primary School Chunni, Buxar.
6. Vijay Narayan Singh, son of Late Shivdan Singh, resident of Village- Badhelwa, P.S.- Buxar (Muffasil), District- Buxar, Assistant teacher in Sawashbhasha Devi Sanskrit Primary School Chunni, Buxar.
7. Subash Chandra Rai, son of Hridya Narayan Rai, resident of Village- Gara, P.S.- (Muffasil), District- Rohtas, Assistant Teacher in Swami Sahjanand Sanskrit High School, Pandey Patti Jail Road Buxar, District- Buxar.
8. Vijay Sharma, son of Late Rameshwar Sharma, resident of Village- Mahajpura, Ward No.- 4 Mahajpura P.S.- Mahajpura, District- Patna, Assistant Teacher in Swami Sahjanand Sanskrit High School, Pandey Patti Jail Road Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Secretary, Department of Education, Government of Bihar, Vikash Bhawan, Patna.
2. The Special Director, Secondary Education, Department of Education, Incharge Sanskrit Education, Government of Bihar, Vikash Bhawan, Patna.
3. The Bihar Sanskrit Shiksha Board, Patna through its Secretary.
4. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
5. The Secretary, the Bihar Sanskrit Shiksha Board, Bihar, Patna.
6. The District Education Officer, Buxar, District- Buxar.
7. The District Programme Officer, Establishment Buxar, District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suresh Kumar Ishwar, Adv.
For the Respondent/s : Mr.Government Pleader (02), APP



For BSSB : Mr. Shashank Shekhar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 09-10-2025 Heard the parties.

2. The petitioners eight in numbers, have approached
this Court for following relief/s:-

(i) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to make necessary correction/modification for the implementation of 6th pay scale to the petitioners with effect from 1.04.2006 and monetary benefit with all benefits from 01.04.2007 as like Government School and Government Minority Schools in place of 01.04.2013 for which the petitioners are entitled under the law.

(ii) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to make necessary correction/modification for the implementation of Vth pay scale to the petitioners with effect from 1.01.1986 and all monetary benefits from 01.03.1989 as like the Government School or Minority Government School in place of 01.04.1998.

(iii) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to make payment of 5th pay scale with all benefits, service allowance and other service



benefits from 01.03.1989 to date of retirement of petitioners of the aforesaid school as like the government School. And minority Madarsa School in the State of Bihar. And further respondents be directed to give payment of 6th pay scales with all benefits to the petitioners from 01.04.2007 to the date of his retirement as like Government School. And minority Madarsa Schools.

(iv) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the respondents to give priority in payment of salary i.e. salary allowance and other service benefits to the petitioners in the aforesaid school as like the Government School and Minority Madarsa School in the State of Bihar.

(v) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to give the benefits of the respondents State Government decision memo no. 237 dated 20.02.1990 to the petitioners as the Government School. And minority Madarsa School for which the petitioner is fully entitled under the law.

(VI) For issuance of any other reliefs for which petitioners may be found in the eyes of law.”

3. Learned Advocate for the petitioners has submitted that the issue with regard to grant of pay scale under 5th and 6th pay revision to the teaching staff of non Government recognized



aided Sanskrit Schools and Madarsa have come up for consideration before the learned Division Bench of this Court in L.P.A. No. 43/2016, wherein the learned Division Bench of this Court has been pleased to direct as follows:-

“We, however, bearing note of the Constitution Bench judgment of the Supreme Court rendered in the case of Krishna Kumar Singh (supra) are not persuaded to allow the payment of superannuation benefits to these teaching and non-teaching staffs in these schools because they are employees of the schools which are run by the private managing committees and thus cannot be held government employees for such admissibility. To such extent we refuse the relief of superannuation benefits for the retired employees of the schools for they do not acquire the status of a government employee and the relief that we have allowed is strictly limited to the revision of pay-scales under the 5th and 6th Pay Revisions together with the dearness allowance admissible thereon”.

4. Referring thereto, the learned Advocate for the petitioners submits that despite the issue having been settled by the learned Division Bench of this Court, till date the petitioners have not been extended the benefits under 5th and 6th pay revision, compelling them to approach this Court by filing the present writ petition. It has further been submitted that other identically situated persons who had approached this Court, they



have been allowed the benefit of pay scale under 5th and 6th pay revision but till date the petitioners have been deprived of the same.

5. Learned Advocates for the State has already filed its counter affidavit which is on record.

6. Having considered the nature of grievance of the petitioners and the decision rendered by the learned Division Bench of this Court noted herein-above, this Court deems it fit and proper to dispose of the writ petition with a direction to the District Programme Officer (Establishment), Buxar to consider the claim of the petitioners in view of the mandate of learned Division Bench of this Court and ensure payment of admissible amount and consequential benefits, if any, preferably within a period of 12 weeks from the date of receipt/production of a copy of this order

7. With the aforesaid observation, the writ petition stands disposed.

8. Interlocutory Application/s, if any, also stands disposed of.

(Harish Kumar, J)

sunilkumar/-

U			
---	--	--	--

