

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9053 of 2022

1. Inayatullah @ Md. Inayatullah son of Habibur Rahman, resident of Village- Sautihara Tola, P.O. Sautihara, P.S.- Sursand, District- Sitamarhi.
2. Md. Shams Alam son of Mohammad Moeenul Haque, resident of Village- Sautihara Muslim Tola, P.O. Sautihara, P.S.- Sursand, District- Sitamarhi.
3. Md. Afzaul Haque son of Md. Ahrarul Haque, resident of Pratap Nagar, Mehsaul, Ward No. 7, P.O., P.S. and District- Sitamarhi.
4. Md. Nezamul Haque son of Abdur Rauf Khan, resident of Village- Pandari, Jamua, P.O. and P.S. Dhanka, District East Champaran.
5. Kazim son of Sheikh Ahmad, resident of Village- Dostiya, Guruharwa, Ward No. 7, P.O. and P.S.- Kunwa Chainpur, District- East Champaran.
6. Bashir Ahamd son of Abdul Jalil, resident of Village and P.O. Betaha, P.S.- Bela, District- Sitamarhi.
7. Md. Arshad son of Abdul Mallik, resident of Village- Bariyarpur, Ward No. 09, P.O.- Bariyarpur, P.S.- Sitamarhi, District- Sitamarhi.
8. Mahfoozur Rahman son of Habibur Rahman, resident of Village- Betaha, P.S. Bela, District- Sitamarhi.
9. Md. Jalaluddin son of Md. Jainul Haque, resident of Village- Nayagaon, Ward No. 5, P.S.- Sheohar, District- Sheohar.
10. Md. Lal Babu son of Motiur Rahman, resident of Village- Siswa, P.O. and P.S. Bela, District- Sitamarhi.
11. Md. Nurullah son of Sheikh Umar Ali resident of Village- Dhurwar, P.S. Parsauni, District- Sitamarhi.
12. Md. Kausar Rabbani son of Md. Kasim, resident of Ward No. 13, Bara Nonahi, P.S. Belabara, District- Sitamarhi.
13. Mohammad Jasimuddin son of Shibli, resident of Village- Bara Nunhi, P.O.- Lauriya, P.S. Bela, District- Sitamarhi.
14. Manazir Samdani son of Shamsul, resident of Ward No. 13, Bara, P.S. Bela, Sitamarhi.
15. Md. Naqui Imam son of Md. Yasin, resident of Village- Parsa, P.O.- Parsa, P.S.- Bela, District- Sitamarhi.
16. Md. Baquaullah Qadri son of Md. Shafi, resident of Bara Urf, Nonahi, P.S. Bela, District- Sitamarhi.
17. Md. Abbas, son of Haji Md. Ilyas, resident of Village- Bara Ward No. 11, P.O. Lauriya, P.S.- Bela, District- Sitamarhi.
18. Parwez Ahmad son of Ekramul Haque, resident of Village- Jagdar, P.O. and P.S.- Parihar, District- Sitamarhi.
19. Md. Zakaullah son of Jahirul Hassan, resident of Village- Siswa, Ward No. 4, P.O. and P.S.- Parihar, District- Sitamarhi.
20. Md. Zaheer Abbas son of Md. Samio Ahmad, resident of Village- Mehsaul Got Urf Rampur Lachmi, P.S. and District- Sitamarhi.



21. Abdul Ahad son of Mojibur Rahman, resident of Village- Madaripur, Ward No. 04, P.S.- Bajpatti, District- Sitamarhi.
22. Md. Ozair Akhtar son of Shamsul Haque, resident of Village- Bhathi, Ward No. 15, P.O.- Bhatha, Hapur, P.S. and District- Sitamarhi.
23. Ahmad Ali son of Md. Islam, resident of Village- Mehsaul, Urf Rampur, P.S. and District- Sitamarhi.
24. Ashraf Ali son of Ali Ahmad, resident of Village- Sharifpur, P.O. and P.S. Nanpur, District- Sitamarhi.
25. Fuzail Ahmad son of Motiur Rahman resident of Village- Bariyarpur, P.O. and P.S.- Bariyarpur, District- Sitamarhi.
26. Azmat Ali son of Md. Alluddin, resident of Patanya, P.O.- Posua, Patnia, P.S.- Sonbarsa, District- Sitamarhi.
27. Md. Ashfaq son of Abdul Haleem, resident of Village- Basaul, Ward No. 03, P.S.- Bajpatti, District- Sitamarhi.
28. Md. Noor Alam son of Abdul Quddus, resident of Village- Akhta near Masjid Vajpayee Tola, Bengahi, P.S.- Suppti, District- Sitamarhi.
29. Md. Shamim Faiz son of Md. Ashoor Ahmad, resident of Village- Awapur Near Masjid P.S.- Pupri, District- Sitamarhi.
30. Abdul Bari Ansari son of Md. Salim Ansari, resident of Village- Near Masjid Parwalia, P.O.- Parsa Urf Parwaha, P.S.- Parehar, District- Sitamarhi.
31. Md. Shahid Ashraf son of Md. Aiyub, resident of Village- Parwaha, Ward No. 07, P.O. and P.S. Andouni, District- Sitamarhi.
32. Md. Wasi Alam son of Md. Haroon Rasid, resident of Village- Andauli P.S. Andauli, District- Sitamarhi.
33. Mahboob Alam son of Md. Noman, resident of Village- Kanhawan Islampur, P.S.- Bela, District- Sitamarhi.
34. Hifzur Rahman son of Atiqur Rahman, resident of Kanhwa, P.S. Bela, District- Sitamarhi.
35. Rafique Azam son of Md. Anwarul Haque, resident of Village- Kanhwa, P.O. Kanhwa, P.S.- Bela, District- Sitamarhi.
36. Amir Suhail son of Tamanna Azad, resident of Village- Kassaiya Patti, Ward No. 12, P.S. Bajpatti, District- Sitamarhi.
37. Md. Bashiruddin son of Mohammad Shafaat Ali, resident of Village- Jhagarua, P.O.- Diharia, P.S. Rehla, District- Palamu (Jharkhand).
38. Jamil Ahmad resident of Village- Bahakarma, Ram Bilash Nagar, Bharthauli, P.S. R.B. Nagar, District- Aurangabad.
39. Md. Quamaruddin son of Md. Shamsuddin, resident of Village- Maharajganj, P.O.- Kutumba Matpa, P.S.- Hariharganj, District- Aurangabad.
40. Md. Ali Murtaza son of Habibur Rahman, resident of Village- Belha, Ward No. 7, P.O.- Belha, P.S. and District- Sitamarhi.
41. Md. Irshad son of Md. Mustaque, resident of Village- Saidpur, Ward No. 10, P.S.- Mansi, District- Khagaria.
42. Md. Khurshid Alam son of Md. Zainul Haque, resident of Basbita, Ward No.



12, P.O.- Basbita, P.S.- Majorgan, District- Sitamarhi.

43. Md. Mojibur Rahman son of Md. Shafee Ahamad, resident of Village- Ratanpur, Ward No. 16, P.S.- Baurgania, District- Sitamarhi.
44. Md. Shakeel Ahmad son of Abdus Sattar, resident of Village- Andauli, Ward No. 13, P.O.- Andouli, P.S.- Andouli, District- Sitamarhi.
45. Md. Nesar Ahmad son of Abdul Majeed, resident of Village- Jalley, P.O. and P.S. Jalley, District- Darbhanga.
46. Md. Tanweer Ahmad son of Md. Tabarak Hussain, resident of Village- Bhagwatipur, P.S. and District- Sitamarhi.
47. Md. Shakilur Rahman son of Md. Ziaur Rahman, resident of Village- Maula Nagar, Awapur, P.S. Pupri, District- Sitamarhi.
48. Md. Ali Sher son of Md. Mozim, resident of Village- Janki, Ashthan, Ward No. 06, P.S. and District- Sitamarhi.
49. Farhad Hussain son of Md. Salahuddin, resident of Village- Garahia, Ward No. 13, P.S. and District- Sheohar.
50. Md. Mashlehuddin son of Nasir Alam resident of Garhia, Ward No. 11, P.S. and District- Sheohar.
51. Md. Ali son of Md. Salahuddin, resident of Ghazipur, Harpur Bhalaha, P.S. Harpurwa, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Human Resource Development, Bihar, Patna.
2. The Secretary Finance Department, Bihar, Patna.
3. The Special Director Secondary Education, Bihar, Patna.
4. The District Programme Officer (Establishment) Sitamarhi.
5. The District Education Officer, Sitamarhi.
6. District Education Officer, Aurangabad.
7. District Program Officer, Aurangabad.
8. District Programme Officer, East Champaran.
9. District Education Officer, East Champaran.
10. District Programme Officer, Sheohar.
11. The District Education Officer, Sheohar.
12. The Bihar State Madarsa Education Board through its Secretary, Bihar, Patna.
13. The Chairman, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna- 1.
14. The Secretary, Bihar State Madarsa Education Board, 5, Vidyapati Marg, Patna- 1.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)
Mr. Arvind Kumar, AC to GP-23
For Madarsa Board : Mr. Shahzad Hassan Khan, Advocate
Mr. Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

8 19-03-2025 Heard learned counsel for the parties.

2. The petitioners, 51 in numbers, who are Madarsa's teachers have filed this writ petition seeking a direction to the respondents to pay differential amount of pay scale under 5th, 6th and 7th pay revision to the petitioners.

3. Respondent nos. 12 to 14 have filed a counter affidavit, wherein in paragraph no. 8, it has been stated as under:-

“That the deponent submits that the reliefs sought by the petitioners are covered to the extent of observations of the Division Bench of this Hon'ble High Court vide order dated 13.08.2019 passed in L.P.A. No. 43 of 2016 and other analogous cases to accord the benefits of revision of pay-scales under the 5th and 6th Pay Revisions to these petitioners in the same manner as allowed to the teaching and non-teaching staff in the Government Schools. But in view of the Constitution Bench judgment of the Hon'ble Supreme Court rendered in the case of Krishna Kumar Singh vs. State of Bihar reported in (2017) 3 SCC 1, the payment of superannuation benefits is



not admissible to these petitioners because they are employees of the Madrasas which are run by the private managing committees and thus cannot be held government employees for such admissibility. Therefore, while allowing the aforesaid L.P.A. by the Hon'ble High Court, the relief is strictly limited to the revision of pay-scales under the 5th and 6th Pay Revisions together with the dearness allowance admissible thereon.”

4. In para 8 of the counter affidavit filed, respondent nos. 12 to 14 have stated that similar nature of relief as sought for by the petitioners has been adjudicated by a Division Bench of this Court in L.P.A. No. 43 of 2016 and other analogous cases, wherein, it has been held that the petitioners of those cases are entitled for the benefits of revision of pay scales under 5th and 6th pay revision in the same manner as has been allowed to the teaching and non-teaching staff in the government schools. Respondent nos. 12 to 14 have further stated that in view of the judgment passed by Hon'ble Supreme Court in the case of **Krishna Kumar Singh Vs. the State of Bihar** reported in **(2017) 3 SCC 1**, the payment of superannuation benefits is not admissible to the petitioners because they are employees of the Madarsas, which are run by the private managing committees and thus they cannot be held government employee



for such admissibility.

5. On the basis of the aforesaid averments made by respondent nos. 12 to 14 in paragraph no. 8 of the counter affidavit filed, learned advocate representing respondent nos. 12 to 14 has also submitted that the petitioners are entitled to be given benefit of revision of pay scale under 5th and 6th pay revision at par with the teaching and non-teaching staff in government schools, however the petitioners will not be entitled to the payment of superannuation benefits.

6. Though, the petitioners have filed this writ petition for a direction to the respondents to extend the benefit of pay scale under 5th, 6th and 7th pay revision, but in view of the counter affidavit filed by respondent nos. 12 to 14 and also the submissions made by learned advocate appearing for respondent nos. 12 to 14, learned counsel for the petitioner also agrees for disposal of this writ petition with a direction to the respondent authorities to extend the benefit of pay scale only under 5th and 6th pay revision to the petitioners.

7. Under the aforesaid circumstances, having taken note of the counter affidavit filed by respondent nos. 12 to 14 and the submissions advanced by learned counsel appearing for the parties, this writ petition is disposed of with a direction to



the respondent authorities, more particularly respondent no.3/
the Special Director Secondary Education, Bihar, Patna to
extend the benefit of pay scales as per 5th and 6th pay revision to
the petitioners.

8. Accordingly, the writ petition is disposed off with
above direction.

(Nani Tagia, J)

Amrendra/-

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