IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10741 of 2025

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1. Nand Kumar Thakur Son of Suresh Thakur, Resident of Village- Barsham, P.S.- Andhara-Thadhi, District- Madhubani.
2. Basant Mishra Son of Late Rameshwar Mishra, Resident of Village- Kapshiya, P.S.- Arer, District- Madhubani.
3. Shyam Narayan Mishra Son of Late Chandeshwar Mishra, Resident of Village- Parasha, P.S.- Babubari, District- Madhubani.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Special Director, Secondary Education, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The District Magistrate, Madhubani, District- Madhubani.
5. The District Education Office-cum-District Planning Officer, Madhubani, District- Madhubani.
6. The District Programme Officer, Madhubani, District- Madhubani.
7. The Chairman, Bihar Sanskrit Shiksha Board, Back Harding Road, Patna.
8. The Secretary, Bihar Sanskrit Shiksha Board, Back Harding Road, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Adv
For the Respondent/s	:	Mr. Amit Bhushan AC to GP- (17)
		Mr. Satyam Shivam Sundaram, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 02-09-2025 Heard the parties.

2. Petitioners no.1 and 02 are the retired Assistant Teachers whereas petitioner no. 03 is the legal heir of retired Assistant Teacher; who have invoked the jurisdiction of this Court seeking a direction upon the respondent authorities to ensure payment of arrears of salary by way of differential amount in the revised pay-scale of 5th, 6th and 7th pay revisions

as has been allowed to other teaching and non-teaching staff of the government school with admissible dearness allowance along with the increment admissible thereon.

3. Learned Advocate for the petitioners submitted that issue with regard to the differential amount of pay of teaching and non-teaching employees under the revised pay-scale of 5th and 6th pay revision had come up for consideration before the learned Division Bench of this Court in **Baidyanath Jha v. The State of Bihar & Ors. [L.P.A. No.43 of 2016 and other analogous cases]**, wherein the learned Division Bench in no uncertain terms had directed the State Government to ensure revision of pay-scale under 5th and 6th pay revision together with the dearness allowance admissible thereon. However, the petitioners have been deprived with such benefits and thus they approached this Court.

4. Learned Advocate for the State and learned Advocate for the Board submitted at the Bar that the claim of the petitioners are required to be examined by the concerned authorities.

5. On careful consideration of the submissions set forth by the learned Advocate for the respective parties and taking note of the grievance of the petitioners, this Court feels apt and proper to encapsulate the mandate of learned Division Bench in **Baidyanath Jha** (supra), which reads as follows:-

"For the reasons and discussions above, we are satisfied to record that the appellant-writ petitioners have made out a case for indulgence and consequently we direct the respondent authorities in the Education Department including the Principal Secretary to accord the benefits of revision of pay-scales under the 5th and 6th Pay Revisions to the teachers and non-teaching staff of the Non-Government Recognized (Aided) Sanskrit Schools and Madarsas in the same manner as allowed to the teaching and non-teaching staff in the Government Schools together with dearness allowance admissible thereon and let the exercise together with the payment of differential amount of salary to which the teaching and non-teaching staffs in these schools are entitled, be made within a period of three months from today.

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."

6. This Court has also been informed that other identically situated persons, who have approached this Court, have been directed to approach before the authorities concerned for redressal of their grievance, the copies of which are also placed on record by way of Annexures-P-3.

7. In view thereof, the present writ petition also stands disposed off with a liberty to the petitioners to file a separate representation before respondent no.5, the District Education Officer, Madhubani, within a period of four weeks from today.

8. In case, such a representation is filed by the petitioners, the concerned respondent(s) shall be duty bound to consider their representation and dispose off the same in the light of the mandate rendered in **Baidyanath Jha** (supra) and ensure payment, if found admissible in accordance with law, preferably within a further period of twelve weeks.

(Harish Kumar, J)

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