

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13609 of 2025

1. Rajani Kant Kumar Son of Ram Kishore Sharma, the Headmaster in Rajendra Sanskrit Prathmik Vidyalaya, Manpur, P.S.- Muffasil, District-Gaya.
2. Kundan Pandey, Son of Sri Ranjay Pandey, the Clerk in Rajendra Sanskrit Prathmik Vidyalaya, Manpur, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Kumar Ishwar, Advocate
For the Respondent/s	:	Mr. Tripurari Nath Ambastha, SC-26
For the Bihar Sanskrit Shiksha Board	:	Mr. S.S. Sundaram, Advocate
		Mr. Ankit, Advocate
		Mr. Aman Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 28-08-2025 Heard learned counsel for the petitioners, learned counsel for the Bihar Sanskrit Shiksha Board and learned counsel for the State.

2. The present writ petition has been filed for the following reliefs :-

(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 High School and Government Minority High Schools in place of 01.04.2013 for which the petitioner is 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 petitioner with effect from 1.01.1986 and all monetary benefits from 01.03.1989 as like the Government High School or Minority Government High School in place of 01.04.1998.

(iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the Respondents to give benefits of the 7th revision of pay scale to the petitioner with same date and same effect from 01.04.2017 as like Government School and Government aided minority school which the petitioners are entitled under the law.

(iv) 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 to the



petitioner in the aforesaid school as like the Government High School. And minority Madarsa High School in the State of Bihar. And further respondents be directed to give payment of 6th pay scales with all benefits to the petitioner as like Government High School and minority Madarsa High Schools.

(v) 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 of the aforesaid school to the petitioner Assistant Teacher Government High School and Minority Madarsa School in the State of Bihar.

(vi) 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 of the aforesaid school to the petitioner as like Government School. And minority Madarsa High School for which the petitioner is fully entitled under the law.

(vii) For issuance of any other reliefs which petitioner may be found in the eyes of law.

3. Learned counsel for the petitioners submits that benefit of revisional pay scale under the 5th and 6th pay scale for



the teaching and non-teaching staff of non-government Madarsa and Sanskrit schools are at par with teaching and non-teaching staff of Government Madarsa and Sanskrit Schools and the issues have been settled by this Hon'ble Court for which, these petitioners have relied upon a judgment dated 13.08.2019 which is appended with his petition as Annexure-P/9 passed by this Hon'ble Court in L.P.A No.43 of 2016 and analogous cases. The relevant portion of the judgment is extracted hereunder :-

“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.”

4. Learned counsel for the Board and learned counsel for the State, by going through the judgment, has accepted at bar that this issue is covered by the aforementioned judgment and the matter may be directed to be considered by the concerned authorities in light of the dictum of the Hon’ble Bench and the same has attained finality as well.

5. In such view of the matter, the present matter is being directed for consideration by District Education Officer (respondent No.6) who would be obliged to take a final decision in this matter and if the benefits of revision, which has been allowed in case of others, the same benefits shall also be



extended in favour of the petitioners without any inordinate delay, preferably within a period of six weeks from today. In case such benefits are held admissible, they shall be released to the petitioners within a further period of four weeks from the date of adjudication and it goes without saying that any further revision, which has been allowed in favour of similarly situated persons, the same shall also be allowed in favor of the petitioners to avoid further litigation.

6. Accordingly, the writ petition stands disposed off.

(Ajit Kumar, J)

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