

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16503 of 2025

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Anwar Hussain @ Anwar Hossain, Son of Md. Mashraf Hussain @ Md. Mashraf Hossain, resident of At/P.O. Saharsa Basti, Police Station-Saharsa, District-Saharsa, Presently posted as Clerk of Madarsa Faizul Uloom, At/P.O. Saharsa Basti, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Joint Secretary, Education Department, Government of Bihar, Patna.
5. The District Education Officer, Saharsa.
6. The District Programme Officer (Establishment), Saharsa.
7. The Bihar State Madarsa Education Board, Patna through the Secretary.
8. The Chairman, The Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
9. The Secretary, The Bihar State Madarsa Education Board, Vidyapati Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Rahmatullah, Adv.
For the Respondent/s	:	Ms. Perna Anand, AC to GP-18
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Adv. Md. Aslam Ansari, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2025

Heard the parties.

2. The petitioner has filed the present writ petition for
the following relief(s):-

“(i) For issuance of writ of mandamus or
any appropriate writ, order, orders or direction
commanding the respondents to make payment of
salary of the petitioner as was being paid to him



before the issuance of State Government Resolution as contained in Letter No. 10 व 3-06/1994 (अंश) 970, dated 31.08.2013 (Annexure-2) that too, taking into account the order of this Hon'ble Court dated 27.03.2019 in C.W.J.C. No. 985 of 2015 (Annexure-3) to this writ petition as this resolution is ultra-virus of the Constitution of India.

(ii) For issuance of any other appropriate writ order, orders, direction commanding the Respondent to make payment of arrear of the salary claim by the petitioner from 15.02.2011 to till date after proper calculation and supplying the said arrears of salary claim to the petitioner in advance.

(iii) For grant of any other appropriate relief or reliefs for which the petitioner may be entitled, deemed fit and proper in the facts and circumstance of the case.

3. Learned Advocate for the petitioner adverting to the facts narrated in the writ petition has submitted that the issue raised before this Court has come up for consideration in C.W.J.C. No. 17445 of 2015 and the learned Division Bench of this Court has been pleased to quash the part of resolution as contained in letter no.970 dated 31.08.2013 and declared the petitioners will continue to get the same salary that they were getting prior to the impugned



resolution together with all arrears on that account.

4. Referring to the afore-noted decision, learned Advocate for the petitioner submitted that identically situated persons have also approached this Court and in the light of the afore-noted orders, similar orders have been passed and now they are getting admissible salary what they were getting prior to the impugned resolution. The case of the petitioner is identical to those of the writ petitioners.

5. Learned Advocate for the State and the Madarsa Board accepted the contention of the petitioner with respect to the settled legal position; however, they fairly submitted that the admissibility of the petitioner is required to be considered by the concerned authorities.

6. In view of the submissions advanced, the present writ petition stands disposed off with a liberty to the petitioner to file a representation along with the copy of the order passed in C.W.J.C. No.985 of 2015 before respondent no.3, the Special Director, Secondary Education, Education Department, Government of Bihar, Patna within a period of four weeks from today.

7. In case such a representation is filed, the same shall be considered in the light of the decision, afore-noted, and



disposed off by a speaking order in accordance with law within
a further period of eight weeks.

8. It is made clear that if the claim of the petitioner
finds favour and identical to the writ-petitioners of C.W.J.C. No.
17445 of 2015, same relief(s) shall be accorded to him.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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