

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14249 of 2023

1. Enamul Haque Son of Md. Abid Hussain @ Md. Abid Husain, resident of village- Bauharwa, P.O. Bhelahi, Police Station- Jalie (Maheshi), District- Saharsa, presently working as Madarsa Teacher, Madarsa Fazle Rahmani, At and P.O. Bhelahi, District- Saharsa.
2. Sefarat Hussain, son of Sarafat Hussain, resident of village- Godna, P.O. Revelganj, Police Station- Revelganj, District- Saran at Chapra.

... .. 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 District Education Officer, Chapra, Saran.
8. The District Programme Officer (Establishment), Chapra, Saran.
9. The Bihar State Madarsa Education Board, Patna through the Secretary
10. The Chairman, The Bihar State Madarsa Education Board, Vidypati Marg, Patna.
11. The Secretary, The Bihar State Madarsa Education Board, Vidyapati Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rahmatullah, Adv.
For the Bihar	:	Mrs. Binita Singh (Sc28)
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Adv.
	:	Mr. Aslam Ansari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-02-2025 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Madarsa Board.

2. The present writ petition has been filed seeking the



following reliefs:

“(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 petitioners as was being paid to them before the issuance of State Government Resolution as contained in Letter No. 10 व 3-06/1994 (अंश) 970, dated 31.08.2013 (Annexure-3) 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-4) 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 petitioners from 15.02.2011 to till date after proper calculation and supplying the said arrears of salary claim to the petitioners 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 counsel for the petitioners submits that the petitioners' case is squarely covered by the order passed by a co-ordinate Bench of this Court in C.W.J.C. No. 985 of 2015 dated 27.03.2019.

4. Considering the aforesaid facts, since the case of the petitioners stand on similar footing to that of the petitioners of C.W.J.C. No. 985 of 2015, there is no requirement to keep pending the present writ application.

5. Considering the fact that petitioners' case is squarely covered by the order passed in C.W.J.C. No. 985 of



2015, the petitioners are directed to file a detailed representation along with a copy of the order passed in C.W.J.C. No. 985 of 2015, before the Respondent No. 3 within four weeks and the Respondent No. 3 would pass a reasoned and speaking order in accordance with law within one month, after personally hearing the learned counsel for the petitioner.

6. It is made clear that the Respondent No. 3 shall be personally responsible for non-compliance of this order within the stipulated period.

7. Accordingly, this writ petition stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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