

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20151 of 2025

1. Madarsa Development Organization at and P.O.-Dhanaut, P.S.-Rupaspur, District-Patna through its Coordinator Md. Safi Ansari, aged about 42 years (Male) son of Md. Rafi Ansari @ Mohammad Rafi Ansari, resident of Village-Dharampur, P.O.-Samastipur, P.S.-Samastipur Town, District-Samastipur. Assistant Teacher in Madarsa Khuddam Millat at and P.O.-Dharampur, P.S.-Samastipur Town, District-Samastipur.
2. Md. Nazibullah, Son of Mustaque Alam, resident of Village-Bagaha, P.O.-Bagaha, P.S.-Kusmar, District-Madhubani.
3. Md. Shamim Ahmad, Son of Md. Shakil, resident of Village and P.O.-Barhampur, P.S.-Ghoghardh, District-Madhubani.
4. Md. Aftab Alam, son of Saidul Hassan, resident of Village and P.O.-Karkatia Bujurg, P.S.-Bhagwanpur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Human Resources Development Department, Bihar, Patna.
2. Additional Chief Secretary, Human Resources Development Department, Bihar, Patna.
3. The Principal Secretary, Finance Department, Bihar, Patna.
4. The Special Director, Secondary Education, Bihar, Patna.
5. The Bihar State Madarsa Education Board, 5, Vidyapati Marg, P.S.-Kotwali, District-Patna through its secretary.
6. The Chairman, Bihar State Madarsa Education Board, Patna 5, Vidyapati Marg, P.S.-Kotwali, District-Patna.
7. The Secretary, Bihar State Madarsa Education Board, Patna 5, Vidyapati Marg, P.S.-Kotwali, District-Patna.

... .. Respondent/s

Appearance :

For the petitioners/s	:	Mr. Raj Nandan Prasad, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, Government Pleader (27)
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Advocate
		Mr. Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR



ORAL ORDER

2 15-12-2025 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Madarsa Board.

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

“For issuance of appropriate writ, order/orders, direction for quashing the order dated 04.10.2024 passed by Special Director Secondary Education, Education Department, Bihar, Patna a Copy of order dated 27.06.2024 passed in C.W.J.C. No. 430/2023 which was earlier filed by the petitioners for a direction to the respondents of the said grievance, hence, the respondents may be directed to allow petitioners grievances. 2. That the following substantial points are involved in this writ application.”

3. Learned counsel for the petitioners submits that vide order dated 27.06.2024 passed in C.W.J.C. No.430 of 2023, the Co-ordinate Bench of this Court had directed consideration of the case of this petitioners in light of the judgment passed in L.P.A. No.43 of 2016 and in view of the same, the petitioners had only claimed for revision of pension and dearness allowance, which has been allowed by the Hon’ble Court to be adjudicated, insofar as the petitioners had not claimed for any superannuation benefits, and the grievance of these petitioners was limited to the extend of payment of revision and as also for



the pay revision, which can be inferred from the representation (Annexure-P/11).

4. Learned counsel for the petitioners by referring to the judgment and order passed by the Hon'ble Division Bench submits that it has clearly stated that the respondent-authority would only accord the benefit of revision of pay-scale under 5th and 6th pay revision to the teachers under teaching and non-teaching staff of Non-Government Madarsas, which has been allowed to the teaching and non-teaching staff of Government schools together with the dearness allowance, keeping in row the Constitution Bench judgment rendered by the Hon'ble Apex Court in **Krishna Kumar Singh v. State of Bihar and Other** reported in **(2017) 3 SCC 1**, based on which, the judgment has been rendered by the Hon'ble Division Bench in L.P.A. No.43 of 2016 holding that payment of superannuation benefits to these teaching and non-teaching staffs, shall not be allowed in any manner, but are entitled to revision of pay scale and DA, which has been ignored for no prudent reason and the extract of the relevant portion of the judgment is extracted hereunder :-

“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.”

5. Learned counsel for the petitioners by taking this Court to the impugned order dated 04.10.2024 submits that the consideration made by the Special Director, Secondary Education, Department of Education, is mis-placed and has not correctly appreciated the judgment of Hon’ble Supreme Court and the Hon’ble Division Bench and as also the direction of Co-ordinate Bench of this Court issued in the case of these petitioners.

6. On the other hand, learned counsel for the Board does not dispute the factual position and learned counsel for the State on being confronted submits that he may not be permitted to have the benefit of superannuation, while he also does not dispute the entitlement with regard to revision of pay-scale under 5th and 6th pay revision as also the dearness allowance.

7. Considering the submission of the parties, this Court finds that the consideration which was directed to be



made by the Special Director, Secondary Education, Government of Bihar, has not been made strictly in consonance with the judgment rendered in L.P.A. No.43 of 2016 for which representation has already been filed and on perusal of the representation, it is quite evident that the petitioners have categorically mentioned that they are entitled to superannuation benefits still those facts have not been considered by the Special Director, Secondary Education, Government of Bihar, and therefore, this Court has no option but to set aside the impugned order and direct fresh consideration of the case of the petitioners in accordance with law within a period of six weeks from the date of representation with the copy of the order passed by this Court.

8. Accordingly, the writ petition is allowed and disposed of.

(Ajit Kumar, J)

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