

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19695 of 2024

1. Ravindra Nath Tiwari son of Late Shesh Nath Tiwari, resident of Village-Tiwaripur, P.S.- Kochas, District- Rohtas.
2. Suryadeshwar Pandey, son of Late Baid Nath Pandey, resident of Village-Nad, P.S.- Shiv Sagar, District- Rohtas.
3. Jagnath Pandey, son of Late Yadubansh Pandey, resident of Village- Karam Dehri, P.S.-Sasaram, District- Rohtas.
4. Anil Kumar Pandey, son of Jagdish Pandey, resident of Village- Oshaw, P.S.- Kachhwa, District- Rohtas.
5. Daya Shankar Pandey, son of Late Shri Pandey, resident of Village-Gangwaliya, P.S.- Kudra, District- Kaimur.
6. Shankar Ram, son of Mewa Ram, resident of Village- Chouka, P.S.- Kandi, District- Gadhwa.
7. Baban Mishr, son of Late Jagat Mishra, resident of Star type S Dalmiya Nagar, P.S.-Dehri, District- Rohtas.
8. Keshav Prasad Singh, son of Late Harihar Singh, resident of Village-Parshurampur, P.S.-Barun, District- Aurangabad.
9. Dev Pati Devi, son of Late Jagarnath Mishra, resident of Village- Singhuli, P.S.- Dehri, District- Rohtas.
10. Kanhaiya Ram, son of Late Ram Dutt Ram, resident of Village-Ahbaranpur, P.S.-Akodhigola, District- Rohtas.
11. Ram Bachan Singh, son of Late Ram Charitar Singh, resident of Village-Kargahar, P.S.- Kargahar, District- Rohtas.
12. Lakshman Charutvedi, son of Late Ram Kumar Chaturvedi, resident of Village- Arari, P.S.-Bhagwanpur, District- Kaimur.
13. Devbansh Mishr, son of Late Jag Narayan Mishra, resident of Village-Kargahar, P.S.- Kargahar, District- Rohtas.
14. Devbansh Pandey, son of Late Manbodh Pandey, resident of Village-Balthari, P.S.- Kochas, District- Rohtas.
15. Shiv Kumar Lal Shrivastab @ Shiv Kumar Lal, son of Late Shuphu Lal, resident of Village- Bhanpur, P.S.- Dinara, District- Rohtas.
16. Uma Shankar Upadhyay, son of Late Ram Narayan Upadhyay, resident of Village and P.O.- Dinara, P.S.-Dinara, District- Rohtas.
17. Baban Pandey, son of Late Ram Janam Pandey, resident of Village- Samhuti, P.S.- Dinara, District- Rohtas.
18. Shiv Jagat Mishr, son of Late Vishwanath Mishra, resident of Village and P.O. - Sanjhauli, P.S.-Sanjhauli, District- Rohtas.
19. Shri Krishna Mishr, son of Late Jagat Mishra, resident of Civil Line Roja Road No.-1, P.S.-Sasaram, District- Rohtas.
20. Dev Kumar Tiwary, son of Late Ram Yash Tiwari, resident of Village and P.O.- Barawn, P.S.-Nokha, District- Rohtas.



21. Dev Nath Pandit @ Devendra Nath pandit son of Late Ram Janam Pandit,
resident of Village- Bardiha, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Secretary Education, Department of Education, 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, Rohtas, District- Rohtas.
7. The District Programme Officer, Establishment, Rohtas, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Kumar Ishwar, Adv.
For the Respondent/s	:	Mr.Standing Counsel (21)
For the State	:	Mr. Kumar Samarjeet Singh, AC to SC -21.
For the BSSB	:	Mr. Shashank Shekhar Jha, Adv. Mr. Ram Niwas Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 09-10-2025 Heard the parties.

2. The petitioners 21 in numbers, have approached
this Court for following relief/s:-

(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 School and Government Minority Schools in place of 01.04.2013 for which the petitioners are 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 V[^] (th) pay scale to the petitioners with effect from 1.01.1986 and all monetary benefits from 01.03.1989 as like the Government School or Minority Government School in place of 01.04.1998.

(iii) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to make payment of 5[^] (th) pay scale with all benefits, service allowance and other service benefits from 01.03.1989 to date of retirement of petitioners of the aforesaid school as like the government School. And minority Madarsa School in the State of Bihar. And further respondents be directed to give payment of 6th pay scales with all benefits to the petitioners from 01.04.2007 to the date of his retirement as like Government School. And minority Madarsa Schools.

(iv) 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 to the petitioners in the aforesaid school as like the Government School and Minority Madarsa School in the State of Bihar.



(v) 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 to the petitioners as the Government School. And minority Madarsa School for which the petitioner is fully entitled under the law.

(VI) For issuance of any other reliefs for which petitioners may be found in the eyes of law.”

3. Learned Advocate for the petitioners submitted that the issue with regard to grant of pay scale under 5th and 6th pay revision to the teaching staff of non Government recognized aided Sanskrit Schools and Madarsa have come up for consideration before the learned Division Bench of this Court in L.P.A. No. 43/2016, wherein the learned Division Bench of this Court has been pleased to direct as follows:-

“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. Referring thereto, the learned Advocate for the petitioners further submits that despite the issue having been settled by the learned Division Bench of this Court, till date the petitioners have not been extended the benefits under 5th and 6th pay revision, compelling them to approach this Court by filing the present writ petition. It has further been submitted that other identically situated persons who had approached this Court, they have been allowed the benefit of pay scale under 5th and 6th pay revision but till date the petitioners have been deprived of the same.

5. Learned Advocates for the State and Sanskrit Shiksha Board have already filed their counter affidavit which are on record.

6. Having considered the nature of grievance of the petitioners and the decision rendered by the learned Division Bench of this Court noted herein-above, this Court deems it fit and proper to dispose of the writ petition with a direction to the District Programme Officer (Establishment), Rohtas to consider



the claim of the petitioners in view of the mandate of learned Division Bench of this Court and ensure payment of admissible amount and consequential benefits, if any, preferably within a period of 12 weeks from the date of receipt/production of a copy of this order

7. With the aforesaid observation, the writ petition stands disposed.

8. Interlocutory Application/s, if any, also stands disposed of.

(Harish Kumar, J)

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