

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20370 of 2025

1. Md. Shahnawaz Alam Son of Zaifuddin @ Md. Zaif Uddin, Resident of Village-Belsari, P.S.-Palasi, District-Araria, is presently working as Assistant Teacher (Inter Trained) at Madarsa Talimul Quran, Phulsarai wa Jhabragachh, P.O.-Gamhariya, P.S.-Palasi, District-Araria, Madarsa No. 1215.
2. Md. Akram Parwez, Son of Abdul Jalil, Resident of Village-Fulsara, Ward No. 09, Chauri, P.S.-Palasi, District-Araria, is presently working as Assistant Teacher (Moulvi) at Madarsa Talimul Quran, Phulsarai wa Jhabragachh, P.O.-Gamhariya, P.S.-Palasi, District-Araria, Madarsa No. 1215.
3. Shabbir Ahmad, Son of Shamshuddin @ Md. Shamshuddin, Resident of Village-Dighli, Ward No. 03, P.S.-Palasi, District-Araria, is presently working as Assistant Teacher (Alim) at Madarsa Talimul Quran, Phulsarai wa Jhabragachh, P.O.-Gamhariya, P.S.-Palasi, District-Araria, Madarsa No. 1215.
4. Md. Rehan Raza @ Rehan Raza, Son of Mahfuj Alam @ Md. Mahfuz Alam, Resident of Village-Mohania, P.S.-Palasi, District-Araria, is presently working as Assistant Teacher (Fazil) at Madarsa Talimul Quran, Phulsarai wa Jhabragachh, P.O.-Gamhariya, P.S.-Palasi, District-Araria, Madarsa No. 1215.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Director, Education Department of Bihar, Patna.
2. The Bihar State Madrasa Education Board Patna through its Secretary.
3. The Chairman, Bihar State Madrasa Education Board, Patna.
4. The Secretary, Bihar State Madrasa Education Board, Patna.
5. The District Education Officer Araria, District-Araria.
6. Managing Committee of Madarsa Talimul Quran, Phulsarai wa Jhabragachh, P.O.-Gamhariya, P.S.-Palasi, Distt-Araria, Madarsa No. 1215 through its Secretary Abdul Majid.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Ziaul Quamar
For the Respondent/s	:	Mr. Birju Prasad, G.P.-13 Mr. Akshay Lal Prasad, A.C. To G.P.-13. Mr. Ajiot Prasad, A.C. to G.P.-13.
For Madarsa Board	:	Mr. Shahzad Hasban Khan, Advocate Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER



2 18-12-2025 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the respondent-State and learned counsel for the Bihar State Madarsa Education Board, Patna.

2. With consent of the parties, the present writ application is being disposed of at this stage itself.

3. The petitioners have prayed for grant of following relief :-

“1. (i) For issuance of a direction upon the respondent authorities to make payment of the lawful salary of Petitioner Nos. 1 & 2 with effect from 19.10.2019 and Petitioner Nos. 3 & 4 with effect from 19.09.2019 till date, for their continuous service rendered on their respective sanctioned posts. The petitioners were duly appointed by the lawful Managing Committee of the Madarsa after fulfilling all eligibility criteria and norms prescribed by the Bihar State Madarsa Education Board.

(II) For issuance of a direction to the respondent authorities not to deny or withhold the salary of the petitioners on the illegal and unjust ground of non-grant of approval, particularly when the issue is no longer res integra. The Hon'ble Patna High Court In CWJ.C. No. 8557/2010-Md. Abu Bakar Rizvi vs. State of Bihar & Ors, decided on 01.10.2012 (reported in 2013 (1) PLIR 198) has already held that Madarsa teachers cannot be deprived of salary in such circumstances and had directed the District Education Officer to ensure payment of arrears within two months (ANX-P/13). The case of the petitioners is squarely covered by the aforesaid judgment. Further in case of Anjuman Ahle Hadees (1985) PLIR 837, wherein it has been categorically held that no approval of appointment by board is required, this finding has been subsequently affirmed by the Hon'ble Supreme Court in 1994 Supp (2) SCC 509. Hence the continued non-payment of salary to the petitioners is wholly arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of



India.”

4. Learned counsel for the petitioners submits that for the aforesaid relief claimed in the present writ application, the petitioner is prepared to file a detail representation before the District Education Officer, Araria, Distt. Araria (respondent No.5) and prays that if such application is filed, appropriate direction be issued to respondent No.5 to decide the representation on merit after giving an opportunity of hearing to the petitioner within a fixed time frame.

5. To the aforesaid submissions made by learned counsel for the petitioner, learned counsel appearing for respondent-State as well as learned counsel for the Madarsa Board do not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file a detail representation before the District Education Officer, Araria, Distt. Araria (respondent No.5) within one month from the date of passing of this order and if such representation is filed by the petitioner, the same shall be disposed of by District Education Officer, Araria, Distt. Araria (respondent No.5) on merit within a further period of six months from the date of filing of the representation after giving an opportunity of hearing to the



petitioners.

7. Needless to emphasize that the final order which shall be passed by District Education Officer, Araria, Distt. Araria (respondent No.5) should be a reasoned and speaking order.

8. It is further made clear that if the petitioners are entitled to the relief as claimed by them, then the same should be extended to the petitioners within a further period of three months from the date of passing of this order.

9. With the aforesaid observation/direction and liberty granted, the present writ application stands disposed of.

10. All pending I.A.s, if any, is deemed to have been disposed of.

(Alok Kumar Sinha, J)

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