

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2146 of 2026

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Brajesh Kumar Son of Kapildev Sharma, Resident of Village- Panchmahla,
P.O. and P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Education, Department of Education, Government of Bihar, Vikash Bhawan, Patna.
2. The Special Director, Secondary Education, Department of Education, 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, Patna.
6. The District Education Officer, Jehanabad, District- Jehanabad.
7. The District Programme Officer, Establishment, Jehanabad, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suresh Kumar Ishwar, Adv.
For the Respondent/s	:	Mr. Narendra Kumar Singh, AC to GP-22
For the BSSB	:	Mr. Satyam Shivam Sundaram, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-02-2026 Heard learned Advocate for the respective parties.

2. The petitioner was duly appointed as a Clerk in Swami Prankushacharya Sanskrit High School, Hulasganj Jehanabad by the Managing Committee vide Memo No.86 dated 24.01.2013 and subsequently his appointment has been duly approved by the Bihar Sanskrit Shiksha Board. However, notwithstanding the aforesaid fact, he has not been allowed the regular pay scale; hence, the present writ application seeking following reliefs:-



“(i) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to declare the petitioner is regular teachers in the aforesaid school and further for a direction to the Respondents to make payment of their salary allowance and other service benefits to the petitioner as regular teacher in the aforesaid school.

(ii) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to make payment of all dues salary to the petitioner as regular Assistant Teacher in the aforesaid school for which petitioner is entitled under the law.

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

3. The learned Advocate for the petitioner submitted that the petitioner’s school is duly recognized well before the notification issued by the State Government dated 15.02.2011, and the posts in question had already been sanctioned prior to that very notification. It is further submitted that the validity of the afore-noted resolution of the respondent-State Government dated 15.02.2011 as well as the subsequent notification dated 31.08.2013, was duly examined by this Court in C.W.J.C. No.985 of 2015 and the learned Division Bench of this Court



has clarified the position, in the following words:-

“13. The petitioners are Teachers of such Madarsas and Schools that stood recognized and aided prior to 15.02.2011. The impugned Resolution dated 31.8.2013 quoted hereinabove in Clause 6 converts the pay-scales of those Teachers who were appointed in such schools after 15.02.2011 with retrospective effect. This was therefore impermissible as the matter under consideration on 15.2.2011 was of giving a fixed pay-scale to those Madarsas who had not been recognized up to 15.02.2011, and were found eligible after inquiry in terms of the said order of the Government. The 15.02.2011 Resolution therefore did not contemplate reduction of salary of those who were getting a regular pay-scale in recognized and aided Madarsas against posts sanctioned prior to 15.02.2011 which formed a different class. The petitioners were deprived of the regular pay-scale for bringing about an equality in respect of institutions which were not subject matter of the Resolution dated 15.02.2011. The 15.02.2011 resolution does not stipulate any restriction of regular pay-scales. The State Government may have been under some compulsion to reflect equality in its actions as they agreed to give a fixed pay-scale to the Madarsas that were recognized after 15.02.2011 as those Teachers may have demanded a regular pay-scale,



but the same could not have Patna High Court CWJC No.985 of 2015 dt.27-03-2019 9/10 been made a ground for deprivation of the pay-scale admissible to sanctioned posts in respect of the Madarsas and Schools that stood recognized and aided prior to 15.02.2011. The said benefits could not have been withdrawn retrospectively as the petitioners even though appointed after 15.02.2011 but before 31.08.2013 were occupying posts that were recognized and aided even prior to 15.02.2011 with regular pay-scale. The posts had not been abolished nor their pay-scales had been reduced when the petitioners were appointed which was admittedly prior to 31.08.2013. The shifting and adjustment of financial burden adopted by this discriminatory process therefore is an irrational exercise and is both arbitrary and discriminatory. If the State Government chose to give a lesser pay-scale to Madarsas which were unrecognized and unaided but were recognized after 15.02.2011, the same formed a separate class and it cannot be clubbed together for the purpose of revising the benefits of the petitioners who were in their own right entitled and were already getting a regular pay-scale prior to 31.08.2013. The impugned Resolution dated 31.08.2013, therefore, cannot apply in the case of those who have been appointed prior to 31st August, 2013.

For all the aforesaid reasons, the impugned action and Resolution to the aforesaid effect



converting the pay-scale of the petitioners cannot be sustained and is, hereby, quashed insofar as it relates to the petitioners.

14. We, accordingly, allow the writ petition and declare that 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 that shall be released forthwith within a period of three months from today.”

4. It is the contention of the learned Advocate for the petitioner that the case of the petitioner is fully covered with the afore-noted decision passed by the learned Division Bench of this Court and thus the petitioner is also entitled to get similar relief(s). It is further added that identically situated persons have also approached this Court and it is contended at the Bar that they have been allowed the relief(s) prayed for in the writ petition.

5. Learned Advocate for the State and the Sanskrit Shiksha Board seek a short adjournment to file a counter affidavit.

6. Having considered the submissions advanced by learned Advocate for the petitioner that the case of the petitioner is said to be identical and covered with the decision rendered by the learned Division Bench of this Court in C.W.J.C. No.985 of



2015, instead of keeping the matter pending, this Court deems it fit and proper to dispose off the present writ petition with a direction to the petitioner to file a fresh representation before the respondent no.7 along with the order of this Court and the decisions over which the reliance has been placed, preferably within a period of two weeks from the filing of such representation.

7. In case such a representation is filed before the concerned respondent, he shall look into the matter and pass a reasoned and speaking order within a further period of eight weeks.

8. In case the claim of the petitioner finds favour and covered with the afore-noted decision, similar benefit(s) must be accorded to the petitioner.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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