

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1261 of 2026

1. Mohammad Saif Ali @ Saifali Son of Md. Mansoor Alam, Resident of Village- Surigaon, P.S.- Baisi District- Purnia. At present Assistant Teacher in the Post of Alim at Madarsa Jameul Uloom, Sharfia, At- Chander Gaon Chakla, P.O.- Saidpur, P.S.- Baisi District- Purnia, Madarsa No.- 322.
2. Md. Safdar Raza, Son of Md. Shamsul Alam, Resident of Village Chandargaon, P.S.- Baisi District- Purnia. At present Assistant Teacher in the Post of Inter trained at Madarsa Jameul Uloom, Sharfia, At- Chander Gaon Chakla, P.O.- Sadipur, P.S.- Baisi, District- Purnia, Madarsa No.- 322.
3. Md. Kaunain Ashraf, Son of Abubakar, Resident of Village- Chandargaon, P.S.- Baisi District- Purnia. At present Assistant Teacher in the post of Matric Trained at Madarsa Jameul Uloom, Sharfia, At-Chander Gaon Chakla, P.O.- Sadipur, P.S.- Baisi, District- Purnia, Madarsa No.- 322.
4. Md. Imtyaz Alam, Son of Md. Asfaque, Resident of Village- Chandargaon, P.S.- Baisi District- Purnia. At present Assistant Teacher in post of Hafiz at Madarsa Jameul Uloom, Sharfia, At- Chander Gaon Chakla, P.O.- Sadipur, P.S.- Baisi District- Purnia, Madarsa No.- 322.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Director, Secondary Education Department, Government 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 Purnia, District- Purnia.
6. Managing Committee of Madarsa Jameul Uloom, Sharfia, At- Chander Gaon Chakla, P.O.- Sadipur, P.S.- Baisi District- Purnia, Madarsa No.- 322 through its Secretary Md. Badre Alam.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Ziaul Quamar, Adv
For the Respondent/s	:	Mr.Standing Counsel (21)
For the Madarsa Board	:	Mr. Aslam Ansari, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 29-01-2026 Heard learned counsel for the petitioners, learned
counsel for the Bihar State Madarsa Education Board, Patna
and learned counsel for the respondent-State.



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

3. The petitioners in the present writ application is prayed for the following reliefs:-

(i) For issuance of a direction upon the respondent authorities to make payment of the lawful salary of all the petitioners with effect from 01.05.2022 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 on 13.01.2022 after fulfilling all eligibility criteria and norms prescribed by the Bihar State Madarsa Education Board.

(ii) For issuance of direction to the Madarsa Board to grant approval of the appointments of the petitioners on their respective posts for which the managing committee submitted application, but no decision has been taken till date.

(iii) 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 C.W.J.C. No. 8557/2010-Md. Abubakar Rizwi & Ors. vs. The State of Bihar & Ors., decided on 01.10.2012 (reported in 2013 (1) PLJR 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. The case of the petitioners is squarely covered by the aforesaid judgment and also with the order dated 18.12.2025 passed in C.W.J.C no.- 20370/2025. Further reliance is placed on Anjuman Ahle Hadees (1985) PLJR 837, wherein it has been categorically held that no separate approval is required, which finding has been subsequently affirmed by the Hon'ble Supreme Court in 1994 Supp (2) SCC 509.

(iv) For grant of any other relief(s) to which the petitioners may be found entitled in the facts and circumstances of the case.

4. Learned counsel for the petitioners submits that for



the aforesaid relief claimed in the present writ application, the petitioners have already filed a representation dated 31.12.2025 (Annexure P-6) before the District Education, Purnea which is pending till date. She therefore, submits that an appropriate direction be issued to the District Education officer, Purnea to dispose of the pending representation of the petitioners within a fixed time framed after giving an opportunity of hearing to the petitioners.

5. To the aforesaid submission made by the learned counsel for the petitioners, learned counsel appearing for the respondent- State and learned counsel appearing for Madarsa Board do not have any objection.

6. Considering the limited nature of prayer being made by the learned counsel for the petitioners, the writ application is disposed of directing the District Education Officer, Purnea to dispose of the pending representation of the petitioners dated 31.12.2025 (Annexure P-6) within three months from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioners.

5. Needless to emphasize that the final order shall be passed by the District Education Officer, Purnea should be reasoned and speaking order. It is also made clear that if the



petitioners are found entitled to the relief, which the petitioners have claimed through the pending representation, the said relief should be given to the petitioners within further period of three months from the date of passing of the final order.

6. With the aforesaid observation, direction and the liberty granted, the present writ application stands disposed of. The Pending I.A, if any, is deemed to have been disposed of.

(Alok Kumar Sinha, J)

N.K/-

U			
---	--	--	--

