

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2248 of 2024

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Mohd. Shahid Alam @ Md. Shahid Alam, Son of Shamsuzzoha Resident of
Village Ratni P.O. Perbheli P.S.Kadwa District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar. Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Joint Secretary, Education Department Government of Bihar, Patna.
5. The District Education Officer, Katihar, District Katihar.
6. The District Program Officer, (Establishment) Katihar, District Katihar.
7. The District Program Officer (Secondary Education) Katih District Katihar.
8. The Bihar State Madarsa Education Board, Patna, through Secretary Apex Tower, Haroon Nagar Colony Sector-2, P.S.- Phulwari Sharif, Patna.
9. The Secretary, Madarsa Education Board, Patna, Apex Tower, Haroon Nagar Colony Sector-2, P.S.- Phulwari Sharif, Patna.
10. The Secretary, Madarsa Darul Hadees Ratni, Perbheli, Durgaganj, District- Katihar.
11. The Head Maulvi Madarsa Darul Hadees Ratni, Perbheli, Durgaganj, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Musowir, Advocate
For the State	:	Mr. Standing Counsel 8
For the Board	:	Md. Shahzad Hassan Khan, Advocate
		Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-03-2026

This Civil Writ Jurisdiction Case has been filed by

the petitioner Mohd. Shahid Alam @ Md. Shahid Alam seeking

for following reliefs:-



“That, by this writ petition, the petitioner would like to challenge the validity of Rule-6 issued under the signature of the Respondents no. 4 and contained in his Resolution no. 970 dated 31.8.2013 and declare its ultra- virus, whereby and whereunder the instruction has been issued that the contribution will be paid on the basis of calculation of fixed salary to those teachers in place of regular pay-scale, who are appointed against the vacancy on or after 15.2.2011 by the State Government.

Alternatively to declare that the Resolution no. 970 dated 31.08.2013 could not take its retrospective effect i.e. with effect from 15.2.2011 for debarring the appointee against the vacancy on or after 15.2.2011 though the impugned Resolution itself is effective from 01.04.2013 according to the Respondents themselves.

The petitioner would further like to pray before this Hon’ble Court that a writ of MANDAMUS be issued against the Respondents.”

2. During course of argument, learned counsel for the petitioner submits that similarly situated persons approached this Court in CWJC No. 985 of 2015 so also in CWJC No. 4517



of 2021 and their cases were disposed of vide order dated 27.03.2019 and 25.04.2023 respectively, they have got the necessary reliefs and in view of such order passed in the identical matters, the petitioner is entitled to get the relief. He further submits that one Md. Abdul Quadir filed CWJC No. 696 of 2025 seeking for similar relief and this Court disposed of the said writ petition vide order dated 13.01.2026 giving him liberty to approach the concerned authority for ventilating his grievance.

3. When we posed a pertinent question to the learned counsel for the petitioner as to whether any representation has been made by the petitioner before the concerned authority for ventilating his grievance basing on the orders passed by this Court in the aforesaid writ petitions, the answer was in negative.

4. Learned counsel for the petitioner, however, submits that the liberty may be granted to the petitioner to approach the concerned authority by filing representation and also annexing the copies of the orders passed in the aforesaid two writ petitions.

5. In view of such submission, the writ petition is disposed of giving liberty to the petitioner to approach the



concerned authority for ventilating his grievance.

6. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2026
Transmission Date	NA

