

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4333 of 2026

=====

Raj Kumar Ishwar son of Late Subhadra Ishwar, Resident of Near Mandir,
Ward No.6, Maranchi Khurd, Maranchi Kalan, P.S.-Bachwara, District-
Begusarai.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Suresh Kumar Ishwar, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambasth, S C (26)
		Mr. Santosh Kumar Mishra, AC to SC-26
For the BSSB	:	Mr. Satyam Shivam Sundaram, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 30-03-2026 Heard learned counsel for the petitioner, learned
counsel for the Bihar Sanskrit Shiksha Board and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs :-

*(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 High School and Government Minority High Schools in place of 01.04.2013 for which the petitioner is 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 Vth pay scale to the petitioner with effect from 1.01.1986 and all monetary benefits from 01.03.1989 as like the Government High School or Minority Government High 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 5th pay scale with all benefits, service allowance and other service benefits to the petitioner in the aforesaid school as like the Government High School. And minority Madarsa High School in the State of Bihar. And further respondents be directed to give payment of 6th pay scales with all benefits to the petitioner as like Government High School and minority Madarsa High Schools.

(v) 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 of the aforesaid school to the petitioner Assistant Teacher Government High School and Minority Madarsa School in the State of Bihar.

(vi) 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 of the aforesaid school to the petitioner as like Government School. And minority Madarsa High School for which the petitioner is fully entitled under the law.

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

3. Learned counsel for the petitioner submits that benefit of revisional pay scale under the 5th and 6th pay scale for the teaching and non-teaching staff of non-government Madarsa and Sanskrit schools are at par with teaching and non-teaching staff of Government Madarsa and Sanskrit Schools and the issues have been settled by this Hon'ble Court for which, these petitioner has relied upon a judgment dated 13.08.2019, which is appended with his petition as Annexure-P/9, passed by this Hon'ble Court in L.P.A No.43 of 2016 and analogous cases. The relevant portion of the judgment is extracted hereunder :-

“For the reasons and discussions above, we are satisfied to record that the appellant-writ petitioners have made out a case for indulgence and consequently we direct the respondent authorities in the Education Department including the Principal Secretary to accord the benefits of revision of pay-scales under the 5th and 6th Pay Revisions to the teachers and non-teaching staff of the Non-Government Recognized



(Aided) Sanskrit Schools and Madarsas in the same manner as allowed to the teaching and non-teaching staff in the Government Schools together with dearness allowance admissible thereon and let the exercise together with the payment of differential amount of salary to which the teaching and non-teaching staffs in these schools are entitled, be made within a period of three months from today.

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. Learned counsel for the Board and as also the learned counsel for the State by going through the judgment, submits that there is no representation before the authorities, therefore, the petitioner may be directed to file a detailed representation, which shall be considered in accordance with



law and as also the judgment which is being referred by the writ petitioner, and if on consideration, it is found that the petitioner's case is covered by the said judgment, then necessary orders shall be passed by the concerned authority.

5. In such view of the matter, the petitioner is directed to file a detailed representation with all supportive materials and the judgments relied upon by him, before the District Education Officer (respondent No.6), who would be obliged to take a final decision in this matter and if the benefits of revision, which has been allowed in case of others, for which, the petitioner is also found entitled, the same benefits shall also be extended in his favour, without any inordinate delay, preferably within a period of six weeks from the date of representation. It goes without saying that any further revision, which has been allowed in favour of similarly situated persons, the same shall also be allowed in favor of the petitioner to avoid further litigation.

6. Accordingly, the writ petition stand disposed of.

(Ajit Kumar, J)

sharun/-

U			
---	--	--	--

