

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11374 of 2023

Md. Tahir Hussain Son of Shamsheer Ali Resident of Village- Bhuna Ward No. 11, Police Station- Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary cum Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Special Director (Urdu), Department of Education, Government of Bihar, Patna.
3. The District Magistrate, District- Araria.
4. The District Education Officer, District- Araria.
5. The District Programme Officer (Establishment), District- Araria.
6. The Block Education Officer, Jokihat, District- Araria.
7. The Chairman, Bihar State Madarsa Education Board, Patna.
8. The Secretary, Bihar State Madarsa Education Board, Patna.
9. The President, Madarsa Islamia Miskinia, At and P.O.- Bhona, Via-Garhbanaili, District- Araria.
10. The Secretary, Madarsa Islamia Miskinia, At and P.O.- Bhona, Via-Garhbanaili, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Jha, Adv.
For the Respondent/s	:	Mr. Kameshwar Kumar, GP-17 Mr. Sanjay Kumar, AC to GP-17
For the Madarsa Board	:	Mr. Shahzad Hussain Khan, Adv. Mr. Md. Aslam Ansari, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-06-2026

This Court has heard Mr. Dharendra Kumar, learned Advocate for the petitioner, Mr. Sanjay Kumar learned Advocate for the State and Mr. Md. Aslam Ansari learned Advocate on behalf of Bihar State Madarsa Education Board.

2. The petitioner on being aggrieved with the



action of the respondent authorities in not extending the arrears of salary of the petitioner from the date of affiliation granted to the Madarsa Islamia Miskinia as well as the post retiral dues on account of his superannuation in the month of November 2020 has approached this Court.

3. A counter affidavit has been filed on behalf of respondent no. 5 the District Programme Officer, Establishment, Araria. It is submitted by learned Advocate for the State that the petitioner was duly appointed as an Assistant Teacher on 01.09.1979 by the Managing Committee of Madarsa Islamia Miskinia, which was established in the year 1979. The said Madarsa got affiliation from the Bihar State Madarsa Education Board, Patna on 01.10.1987. In the light of the Education Department Letter No. 162 dated 15.02.2011, the District Education Officer, Araria made a spot enquiry of the State Madarsa and submitted its report.

4. Accordingly, the Madarsa Islamia Miskinia, Bhona came in the list of selected 609 Madarsa of Bihar for Government Aid vide Departmental Circular under Memo No. 670 dated 07.09.2019. In the light of the Departmental Circular, the petitioner has been paid an honorarium of Rs. 9,000/- per month with effect from 01.09.2015 and further the honorarium



was increased to Rs. 18,250/- which was paid to the petitioner till his retirement at the age of 62. It is categorically submitted that there remains no arrears remain so far the salary to the petitioner is concerned.

5. Learned Advocate for the respondent further drew the attention of this Court to the decision passed by the learned Division Bench of this Court in LPA No. 43 of 2016 and submitted that as per policy decision of the Government, the teachers and non-teaching employees of the Non-Government Recognized Aided Sanskrit Schools and Madarsas are not entitled for any post retiral benefits.

6. This Court has considered the submissions advanced by learned Advocate for the respective parties and perused the averments made in the counter affidavit as well as the judgment rendered by learned Division Bench of this Court in LPA No. 43 of 2016 (***Baidyanath Jha Vs. The State of Bihar & Ors. and other analogous cases***), where the Court held as follows:-

“We, however, bearing note of the Constitution bench judgment of the Supreme Court rendered in the case of Krishna Kumar Singh {(2017) 3 SCC 1} are not persuaded to allow the payment of superannuation benefits to these teaching and non-teaching staff in these schools (the Non-Government Recognized Aided Sanskrit Schools and Madarsas) because they are



employees of the schools run by the private managing committees and thus cannot held government employees for such admissibility.”

7. In view of the aforesaid facts and the position in law, this Court does not find any merit in the writ petition with respect to the payment of post retiral benefit. Accordingly, the writ petition stands dismissed.

8. However, if the petitioner still has any grievance with regard to honorarium, for any period, the petitioner shall be at liberty to approach before the authority concerned, who shall consider his claim, in accordance with law.

(Harish Kumar, J)

sumit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2026
Transmission Date	NA

