

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17537 of 2025

1. Jagannath Kumar Son of Arjun Singh, Assistant Teacher of Ramnath Balika Primary cum High School, Kaimashikoh, P.S.- Chowk, District- Patna. Resident of Village- Harbanshpur, P.S.- Masaurhi, District- Patna.
2. Archana Rani, Wife of Rajesh Ranjan Mishra, Assistant Teacher of Ramnath Balika Primary cum High School, Kaimashikoh, P.S.- Chowk, District- Patna. Resident of Village- Suryagarha, P.S.- Lakhisarai, District- Lakhisarai.
3. Neha Kumari, Wife of Aakash Kumar Singh, Assistant Teacher of Ramnath Balika Primary cum High School, Kaimashikoh, P.S.- Chowk, District- Patna. Resident of 159, Gass Godown Road, No. 04, Rajiv Nagar, P.S.- Rajiv Nagar, District- Patna.
4. Chandan Kumar, Son of Shivraj Singh, Assistant Teacher of Ramnath Balika Primary cum High School, Kaimashikoh, P.S.- Chowk, District- Patna. Resident of Village- Dadar, P.S.- Aurangabad, District- Aurangabad.
5. Renu Devi, Wife of Arun Sah, Peon of Ramnath Balika Primary cum High School, Kaimashikoh, P.S.- Chowk, District- Patna. Resident of Kaimasikoh behind City Court, Patna Nagla, P.S.- Patna City, District- Patna.
6. Pawan Kumar, Son of Surendra Kumar Sharma, Resident of Village- Jinpura, Dhobiakalapur, P.S.- Bihta, District- Patna Assistant Teachers Swami Sahjanand Sanskrit High School Bihta, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Deputy Secretary, Education Department, Bihar, Patna.
4. The Special Director, (Secondary Education) Bihar, Patna.
5. The Chairman, Bihar Sanskrit Education Board, Patna.
6. The Secretary, Bihar Sanskrit Education Board, Patna.
7. The District Education Officer, Patna.
8. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Adv. Mr. Shivendra Prasad
For the State	:	Mr. Vivek Prasad, GP-7 Mr. Sanjay Kumar, AC to GP-7
For the BSSB	:	Mr. Satyam Shivam Sundaram, Adv Mr. Ankit, Adv. Mr. Aman Kumar, Adv.



CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-07-2026 Heard learned Advocates appearing on behalf of the
respective parties.

2. The petitioners have approached this Court being aggrieved by the order contained in Memo No. 798 dated 09.09.2020, issued under the signature of the Deputy Secretary, Education Department, Government of Bihar, Patna, whereby and whereunder the petitioners, along with others, have been granted only a fixed salary under the new pay structure w.e.f. 05.03.2019, contrary to the mandate of the judgment dated 27.03.2019 passed by this Court in CWJC No. 985 of 2015 and other analogous cases. The petitioners have also prayed for quashing of Resolution/Memo No. 798 dated 09.09.2020. Further, they seek a direction to the respondents to grant them the revised pay scale along with arrears of salary from the date of their respective appointments in the light of the judgment dated 27.03.2019 passed in CWJC No. 985 of 2015 and CWJC No. 15299 of 2015.

3. Learned Advocate for the petitioners submitted that there is no dispute that petitioner nos. 1 to 4 and 6 were appointed as Assistant Teachers, whereas petitioner no. 5 was appointed as a Peon in the respective schools after following the



prescribed procedure. Their appointments were duly approved by the Bihar Sanskrit Shiksha Board on different dates, and they have been discharging their duties to the satisfaction of the competent authorities. Despite the aforesaid facts, the petitioners have been paid only a fixed salary. Aggrieved thereby, several writ petitions were filed before this Court challenging the notification dated 31.08.2013, whereby a decision had been taken to grant only a fixed salary to the teaching and non-teaching employees of Government-aided Sanskrit Schools. The said batch of writ petitions was finally disposed of by a Division Bench of this Court vide judgment dated 27.03.2019, holding that the notification dated 31.08.2013 would not apply to employees who had been appointed prior to 31.08.2013.

4. Referring to the aforesaid judgment, learned Advocate submitted that the claim of the present petitioners is identical to that of Imran Alam and other similarly situated employees who had approached this Court in different writ petitions. Placing reliance upon the judgments passed in CWJC No. 6731 of 2021 and CWJC No. 24523 of 2018, it is further contended that the controversy involved in the present case is squarely covered by the aforesaid decisions.



5. *Per contra*, learned Advocate appearing for the State submitted that against the judgment rendered in **Imran Alam** (*supra*), the State had preferred Civil Review No. 295 of 2019. However, the said review petition came to be dismissed for non-prosecution. Thereafter, a restoration application being MJC No. 2022 of 2023 has been filed, which is presently pending consideration.

6. Having considered the submissions advanced on behalf of the parties and upon perusal of the judgments referred to hereinabove, this Court is of the considered opinion that if similarly situated persons have already been granted the benefits claimed in the present writ petition, the petitioners cannot be denied the same. However, the claim of parity raised by the petitioners is required to be examined by the competent authority in accordance with law.

7. Accordingly, the present writ petition is disposed of with liberty to the petitioners to file a comprehensive representation, along with a copy of this order, before respondent no. 7. Upon receipt thereof, respondent no. 7 shall examine the claim of the petitioners in the light of the judgments referred to above and, if the petitioners are found to be similarly situated, extend them the same benefits as have



been granted to other similarly situated employees.

8. The aforesaid exercise shall be completed, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

9. It is further clarified that Resolution/Memo No. 798 dated 09.09.2020 shall not come in the way of the respondent authorities while considering the claim of the petitioners in accordance with law.

(Harish Kumar, J)

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