
(2013) 05 PAT CK 0003
In the Patna High Court
Case No : CWJC No. 8611 of 2012

District Madarsa Teachers Association, Banka
Vs

APPELLANT

The State of Bihar and Others

RESPONDENT

Date of Decision : 14-05-2013

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2014) 1 PLJR 72

Hon'ble Judges : Samarendra Pratap Singh, J

Bench : Single Bench

Advocate : Alim Jang Khan, for the Appellant; K.P. Gupta for the State and Mr. Md. Rashid Alam for the Board, for the Respondent

Judgement

Samarendra Pratap Singh, J.—The petitioner which is an Association of the District Madarsa Teacher's Association, Banka, has filed this writ petition through its General Secretary who is also the Principal of recognized and aided Madarsa, Islamia, Kaithtikar, Police Station Barahat, District-Banka, for grant of pay scales and other monetary benefits in terms of 5th, 6th and 7th Pay Revision Committee Report to the teachers and non-teaching staff of non-Government Madarsa and Sanskrit Schools with effect from the dates the same have been granted to the teachers and other staff of Government Schools as well as to teachers and non-teaching staff of the Education Department, Government of Bihar. The petitioner has given the details of the Pay Revision Reports and its implementation thereof by the Finance Department, Government of Bihar. The Finance Department implemented the 1st Pay Revision Commission Report vide Memo No. 1899(F) dated 17.2.1948 with effect from 1.9.1947. 2nd Pay Revision Commission Report came into force vide Finance Department Resolution No. 67 dated 10.3.1965 with effect from 1.4.1964. 3rd Pay Revision Commission Report came into force by Finance Department resolution no. 836 dated 30.11.1972 with effect from 1.1.1971. 4th Pay Revision Commission Report came into force vide Finance Department resolution no. 10770 dated 30.12.1981 with effect from 1.4.1981. The 5th Pay Revision Commission Report came into force vide Finance

Department resolution no. 6021 dated 18.12.1989 with effect from 1.1.1986. 6th Pay Revision Commission Report came into force vide Finance Department Resolution No. 660(F) dated 8.2.1999 with effect from 1.1.1996 and 7th Pay Revision Commission Report came into force vide Finance Department Memo No. 830 dated 21.1.2010 with effect from 1.1.2006.

2. The petitioner submits that the State Government revised and made pay Scales of teachers and other staff of non Government Madrasas and Sanskrit schools at par with teachers and other staff of Government Madarsa and Sanskrit School by its resolution no. 689 dated 4.5.1978 with effect from 1.4.1978. The State Government again revised the pay scales vide resolution no. 1152 dated 26.12.1980 with effect from 1.4.1980. The Government further resolved vide resolution no. 2001 dated 8.12.1982 that pay Scales of Madarsa teachers and Sanskrit school teachers will be same and similar to teachers and other staff of Government, Madarsa and Sanskrit Schools. The Government reiterated the same policy in its resolution no. 372 dated 13.4.1983 and resolution no. 237 dated 20.2.1990. In para 2 of the resolution dated 20.2.1990 it was clarified that teachers of recognized Madarsa and Sanskrit Schools will get same and similar scale of pay and all other benefits as provided to teachers of Government Madarsa and Government Sanskrit Schools. The petitioner submits that the State Government accepted the reports of the Fitment-cum-Pay Revision Committee and revised the scales of pay of Government employees including teachers and other employee by resolution no. 6021(F)(2) of Government Madarsa and Schools dated 18.12.1989 with effect from 1.1.1986. The State Government also granted revised pay scales of teachers and other staff of non-Government Madrasas and Sanskrit Schools vide resolution no. 285 dated 12.4.1999 with effect from 1.4.1998.

3. The petitioner submits that no reasons have been mentioned as to why pay scales of teachers and other staff of Madarsa and Sanskrit Schools were provided revised pay scale from 1998 instead of earlier date. The petitioner next submitted that the State Government again revised the pay scales of its employees under the 6th Pay Revision Commission by its resolution no. 660F(2) dated 8.2.1999 with effect from 1.1.1996. All allowances etc. also revised and enhanced. Grievance of the petitioner is that the State Government has not revised the pay scales of aided Madarsa and Sanskrit School teachers as well as their principals. The petitioner further pointed out that the State Government has again revised and enhanced pay scales of its employees including Government Madrasas and Sanskrit schools by its resolution no. 630 dated 21.1.2010 with effect from 1.1.2006 under 7th Pay Revision Commission. But teachers and other staff of non-Government Madrasas and Sanskrit School teachers are still getting pay scales of 5th Pay Commission. The petitioner states that the action of the respondents in not revising the pay scale of teaching and non-teaching staff of non-Government aided Madarsa and Sanskrit Schools under 5th Pay Revision Commission from 1.1.1986 in place of 1.4.1998 which is violative of Articles 14 and 16 of the Constitution. He submits that the situation has further deepen as

the respondents have not given the benefit of 6th & 7th Pay Revision Commission Report to the non-Government Aided Madarsa and Sanskrit Schools while giving the same benefit to Government Aided Madarsa and Sanskrit schools. Learned counsel submits that the action of respondents are not only discriminatory but violative of decision of (sic--the Hon''ble Supreme Court and?) this Court in the following decisions:--

1. Haryana State Adhyapak Sangh and Others Vs. State of Haryana and Others,
- 2 Haryana State Adhyapak Sangh and Others Vs. State of Haryana and others,
3. State of Karnataka and Others Vs. C. Lalitha,
4. Bihar Minorities/Aided Primary Teachers Association, Patna and Others Vs. The State of Bihar and Others
5. Madhu Sudan Prasad Vs. The State of Bihar and Others,

4. Having regard to the facts and circumstances of the case, I direct the Principal Secretary, Education as well as Finance Secretary, Government of Bihar to consider the case of the petitioner for grant of similar monetary benefit as provided to the Government Madarsa and Sanskrit schools within three months from the date of receipt of a copy of this order in accordance with law also taking into consideration the decision in case of Bihar Minorities/Aided Primary Teachers Association, Patna and Others Vs. The State of Bihar and Others and other cases indicated above.

5. The petitioner is at liberty to place its case by filing representation before the concerned respondents as well. The writ petition is thus disposed of with direction aforementioned.