

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18391 of 2010

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1. Krishna Chandra S/O Ram Eqbal Mandal R/O Vill.- Janki Asthan Mandal Nagar, P.S.- Sitamarhi, District Of Sitamarhi

2. Jainandan Prasad S/O Rajmangal Prasad R/O Vill.- Patsharma (West), P.S.- Gaighat, Distt.- Muzaffarpur

3. Tulsi Prasad Singh S/O Late Raghunandan Prasad Singh R/O Vill.- Chhatwara Chak, P.S.- Mahua, Distt.- Vaishali

4. Ravinesh Prasad S/O Late Brajnandan Prasad R/O Vill.- Dohaji Ramchandra, P.S.- Goraul, Distt.- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Human Resources Development Department, Government Of India, Patna

2. The Bihar Sanskrit Shiksha Board Through Its Chairman, Patna

3. The Secretary, Bihar Sanskrit Shiksha Board, Patna

4. The District Education Officer, Vaishali

5. The Headmaster, Incharge, Kaushalaya Sanskrit Uchch Vidyalaya, Mahua, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidyanath Thakur

For the Respondent/s : Mr. Rajiv Kumar, A.C. to G.A. 5

Mr. Niranjan Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

5 06-01-2015

Heard Counsel for the petitioner, the Counsel for the

Bihar Sanskrit Shiksha Board (for short 'the Board') as well as the State.

Four petitioners herein claimed to have been working as Assistant Teacher(s) in Kaushalya Sanskrit Uchch Vidyalaya, Mahua, Vaishali and have prayed for a direction for payment of their salary which they are not getting since March, 2009. According to the petitioners, they were appointed as the Assistant Teacher(s) in the said school by the Managing



Committee of the School and since then they are continuously discharging their duties as such but without payment of salary since March 2009. In paragraph 10 of the rejoinder, it has, however, been stated that for certain periods beginning from September, 2012 to February, 2013 and from March, 2013 to June, 2014, they have been paid their salaries. Salary for remaining periods for which they have worked have not been paid although a bill was prepared and sent for payment but the authorities have not paid the same. A representation in this regard was filed before the Special Director, Secondary Education (Annexure-8) but no action was taken thereon. In such circumstances, they have filed the present writ application seeking a direction upon the respondents to pay the salary to the petitioners including the arrears for the post they have been working since their appointment.

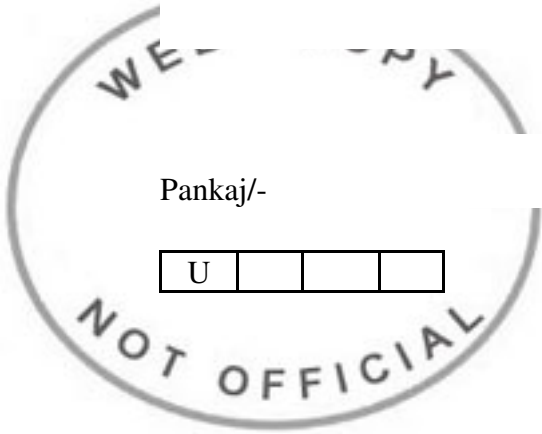
A counter affidavit has been filed on behalf of the Managing Committee wherein a stand has been taken that the petitioners were terminated from their services. The petitioners have, however, disputed the aforesaid fact. On perusal of the pleadings, it appears to this Court that several disputes relating to the creation of Managing Committees/Adhoc Committees for the School in question are also in serious dispute. Earlier, the petitioner no. 1 was removed from functioning as the Incharge



Headmaster of the said school which persuaded him to file a writ petition before this Court vide C.W.J.C. No. 195 of 2011. A Bench of this Court vide order dated 30.04.2012 on a consideration of rival pleadings directed the Chairman of the Board to hear both the parties and decide the matter in accordance with law.

Considering the facts involving in this writ application which are disputed by the respondents, in my view, the petitioners should be relegated to the authority of the Board for ventilation of the grievance. Without opining any view on the merit of the claim of the petitioners, this Court would permit the petitioners to make a detailed representation in this regard before the Chairman of the respondent Board (respondent no. 2) ventilating the grievance as raised in the present application. If any such representation supported by all relevant documents is filed within three weeks, this Court would expect that the Chairman of the Board shall consider and pass a reasoned order thereon in accordance with law as quickly as possible preferably within six weeks from the date of filing of such representation/application. Needless to observe that in the light of the order to be passed on the representation of the petitioner by the Chairman of the Board, the authorities will comply with the same.

The writ application stands disposed of with
aforesaid observation(s)/direction(s)



(Kishore Kumar Mandal, J)