

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24649 of 2013

Awadhesh Narayan S/O Late Jang Bahadur Rai Resident Of Village- Kalyanpur, Basti, P.S- Mohiuddin Nagar, District- Samastipur, At Present Science Teacher Bharti Sanskrit High School Basti, Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Department Govt. Of Bihar, Patna.
2. The Special Director, Cum- Deputy Director (Sanskrit) Secondary Education, Human Resources Deptt. Govt. Of Bihar, Patna.
3. The Chairman/ Secretary, Bihar Sanskrit Shiksha Board East Boring Canal Road, Patna.
4. The Secretary, Govt. Of Bihar, H.R.D Higher Education Department (Sanskrit) Division, Shone Bhawan, New Delhi.
5. The Deputy Director (Scheme) Rastriya Sanskrit Sansthan 56-57 Institution Ara, Janakpuri, New Delhi.

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Anjani Pd. Singh
For the Respondent/s	:	Mr. Kundan Bhadur Singh
For the Sanskrit Sansthan	:	Mr. Rabindra Priyadarshi
For the BSSB	:	Mr. Shashank Shekhar Jha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-09-2015

22.09.2015

Heard counsel for the petitioner, counsel for the State of Bihar as well as Rastriya Sanskrit Sansthan, New Delhi.

The Court is not inclined to go into the history of the dispute relating to the appointment of the present petitioner by the erstwhile managing committee of what

is known as Bharti Sanskrit High School, Basti in the district of Samastipur. There have been earlier rounds of litigations, where a direction was issued upon the Special Director to consider the authenticity of appointment of the petitioner and take a decision. This order of the previous Bench in the earlier writ application is Annexure-2 to the writ application.

Then came the order of the Special Director, dated 24.11.2011. The finding of the Special Director is that it seems that instead of petitioner's name, name of one Sanjay Kumar was wrongly entered in the school records. His name was ordered to be deleted and petitioner's name was ordered to be included even for the purposes of payment.

Now that the order, dated 24.11.2011 still occupies the position with regard to the status of the petitioner, bereft of all controversies, the Court directs the State Government to send specific recommendation in favour of the petitioner for allocation and release of funds for the coming financial year and onwards, which shall be treated as part of the earlier communication, dated 25.04.2014, annexed as Annexure - A to the counter affidavit of Respondent No. 2.

On such recommendation being made,



Rastriya Sanskrit Sansthan, New Delhi will include the name of the petitioner also as one of the recipients of the fund to be released for future till the petitioner is entitled to receive such amounts while being in service. The exercise on behalf of the State must be done and completed within a period of eight weeks and the follow up action thereafter will be taken by the Rastriya Sanskrit Sansthan, when the next allocation and release is contemplated and acted upon.

Writ application stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J.)

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