

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9383 of 2010

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1. Kishori Nandan Jha S/O Late Umesh Chandra Jha Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
2. Gauri Shanker Jha S/O Sri Yashodhar Jha Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
3. Surya Kant Mishra S/O Late Babu Lal Mishra Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
4. Sunil Kumar Chaudhary S/O Late Ram Bihari Chaudhary Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
5. Raja Jha S/O Baidhyanath Jha Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
6. Ram Chandra Jha S/O Late Yadunath Jha Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
7. Suresh Kumar Pathak S/O Shrikant Pathak Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
8. Radha Nath Jha S/O Late Tej Narayan Jha Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
9. Sita Kant Chaudhary S/O Rama Nand Chaudhary Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
10. Awdhesh Kumar Singh S/O Sri Indradeo Singh Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
11. Raghu Nandan Mani Tripathi S/O Gobind Mani Tripathi Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
12. Om Prakash Sharma S/O Late Brahmdeo Sharma Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
13. Anil Kumar Jha S/O Gobind Jha Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
14. Vinod Kumar Jha S/O Late Ratneshwar Jha Present Posted Against Class-Iii Post In Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna, P.S.- Budha Colony, Distt.- Patna
- Petitioners

Versus

1. Bihar Sanskrit Shiksha Board East Boring Canal Road, Patna Through Its Chairman
2. Chairman, Bihar Sanskrit Shiksha Board East Boring Canal Road, Patna
3. Secretary Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna
4. The State Of Bihar Through Principal Secretary Human Resources Development Department, Bihar, Patna
- Respondents
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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Adv.
 For the Respondent/s : Mr. Gautam Bose, AAG8
 Mrs. Shally Kumari, AC to AAG8
 For the Board : Mr. Niranjana Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 19-05-2015

Heard learned counsel for the parties.

Mr. Durga Nand Jha, learned counsel for the petitioners, has submitted that the petitioners were basically aggrieved by an order of the Bihar Sanskrit Shiksha Board dated 27.5.2010 but that order has been now sought to be rescinded by the Board itself vide its subsequent office order contained in Memo No. 5335 dated 26.11.2012 and to that extent he refers to paragraph no.7 of the supplementary counter affidavit which reads as follows:

“7. That it is relevant to state here that by order dated 27.5.2010 (Annexure 7) the Chairman of the Board directed for recovery of Rs.1052242 from the petitioners as he through out withdraw his salary in the scale of Assistant in place of Clerk which he was not entitled to. He was appointed as Clerk but got the benefit of Assistant. However, the Chairman vide memo no. 5335 dated 26.11.2012 cancelled the said office order dated 27.5.2010 observing that the 14 applicants were appointed before the cut off date i.e. 2.1.1985 and the appointments of none of the Class III employees before the cut off date were made on the basis of graduate qualification.”

Mr. Jha also submits that the petitioners had the grievance of not being given the benefit of ACP but during the pendency of

this writ application that also has been decided by the respondent Board and to that extent he refers to the office order dated 14.11.2012, contained in Annexure 'A' to the counter affidavit, with specific reference to paragraph no.5 to the supplementary counter affidavit which reads as follows:

“5. That the Chairman of the Board vide Memo No. 3298 dated 14.11.2012 held 12 persons to entitled to the benefits of 1st and 2nd ACP a completion of 24 years of service. Mr. Kishori Nandan Jha figured at Sl.No.1 thereof. However, subsequently the grant of ACP to the employees of the Board was deliberated and it was decided not to grant the same to the claimants as the matter is, subjudice before the Hon'ble Court. All this is evident from the file note dated 14.12.2012 prepared by the Establishment of the Board. It is stated here that due to inadvertence the reference of Memo No. 3298 dated 14.11.2012 could not be mentioned therein.”

According to Mr. Jha the grievance of the petitioners in view of Annexures 'A' and 'E' to the counter affidavit will be deemed to have been redressed.

Learned counsel for the Sanskrit Shiksha Board also is of the same view.

That being so, this writ application is disposed of as having become infructuous.

(Mihir Kumar Jha, J)

surendra/-

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