

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8699 of 2014

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Uday Kumar Chakrovarty S/O Late Profulla Kr. Chakrovarty R/O Village -
Bhagalpur, P.O. - Bhagalpur, P.S. - Ishakchawk, Distt. - Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Banka.
4. The Bihar Sanskrit Siksha Board through its Chairman, 414 - F, Govindayan, Canal Road, Patna.
5. The Secretary, Bihar Sanskrit Siksha Board, 414 - F, Govindayan, East Boring Canal Road, Patna.
6. The Managing Committee, Aadarsh Sanskrit School, Amarpur, Banka through its Secretary.
7. The Principal, Aadarsh Sanskrit School, Amarpur, Banka.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kr. Choudhary, Advocate
Mr. Akshansh Ankit, Advocate
For the Respondent State: Mrs. Namrata Mishra, G.A.-6
Mrs. Archana Jha, AC to GA-6
For the Respondent Sanskrit: Mr. Ravindra Priyadarshi, Advocate
Siksha Sansthan
For the Respondent Board: Mr. S.S.Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-12-2016

After having given a detailed consideration to the submissions made by the petitioner to include him in the list of sanctioned permanent science teacher in Aadarsh Sanskrit School, Amarpur, Banka, and having heard the learned counsels representing the State, the Rashtriya Sanskrit Sansthan as well as the counsel for the Sanskrit Shiksha Board, the Court cannot and will not travel beyond the adjudication already made in a similar circumstances in a



batch of writ applications, namely C.W.J.C. No. 8930 of 2009 and its analogous cases (Prabhakar Jha & Ors. Vs. The State of Bihar & Ors.), decided on 8th December, 2011. Copy of the order passed in the said writ applications is Annexure-A to the counter affidavit filed on behalf of the Sanskrit Shiksha Board. The relevant portion is reproduced hereinbelow from the said order :

“Before parting with it is made clear that as the scheme has already been transferred by the Govt. of India to the Sansthan and the Sansthan has fixed its own norms, the Govt. of Bihar will not give any further approval of any Science teacher under modernization Scheme so as to make either the Govt. of India or the Sansthan liable for payment of salary beyond the post of 8 Science teachers. It, however, will be open for the respective other non-Governmental Recognized Sanskrit Schools to approach the Sansthan and satisfy its terms and conditions but till it is done so this order would cover only the cases of 86 Science Teachers including the petitioners whose services were approved by the Govt. of Bihar by its letter No. 316 dated 19.6.2002.”

If this is what the learned single Judge had to say with regard to the status of the science teachers and the list of 86 which was approved and if the petitioner's name does not figure anywhere



then the whole effort of the petitioner is only to find a foothold which cannot be given in view of the mandate and declaration of the status of such teachers.

This aspect of the matter has already been considered by the Sanskrit Shiksha Board and the office order dated 18.10.2016 contained in Annexure-B also clarifies the position where the claim of the petitioner had been considered and rejected.

The Court, therefore, will not confer any benefit to the petitioner by treating him to be a validly appointed teacher under the central scheme and no person can be included any further in view of the embargo laid down by the learned single Judge in his order contained in Annexure-A to the counter affidavit and quoted above.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.12.2016
Transmission Date	N/A

