

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1921 of 2015

In

Civil Writ Jurisdiction Case No.4644 of 2011

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-
1. The State of Bihar through the Principal Secretary, H.R.D. Department, Govt. of Bihar, Patna.
 2. The District Education Officer, Muzaffarpur.

... .. Appellants

Versus

1. Niranjan Jha S/o Late Chhote Lal Jha resident of Village - Dharamagatpur Gangti, P.S. - Sakra & District - Muzaffarpur.
2. The Bihar Sanskrit Education Board through its Secretary having Office at Patna.
3. The Sanatan Brahmacharya Sanskrit High School, Ganghati, Muzaffarpur through its Principal.

... .. Respondents

Letters Patent Appeal No. 1922 of 2015

In

Civil Writ Jurisdiction Case No.4645 of 2011

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1. The State of Bihar through the Principal Secretary, H.R.D. Department, Govt. of Bihar, Patna.
 2. The District Education Officer, Muzaffarpur.

... .. Appellants

Versus

1. Nand Kishore Singh S/o Late Ram Briksh Singh resident of Village - Nemopur, P.S. - Sakra & District - Muzaffarpur.
2. The Bihar Sanskrit Education Board through its Secretary having Office at Patna.
3. The Sanatan Brahmacharya Sanskrit High School, Ganghati, Muzaffarpur through its Principal.

... .. Respondents

Appearance :

(In Letters Patent Appeal No. 1921 of 2015)

For the Appellant/s : Mr. Durgesh Nandan, AAG-14
Mr. Jitendra Kumar, AC to AAG-14

For the Respondent/s : Mr. Sri Niwas Jha, Advocate

(In Letters Patent Appeal No. 1922 of 2015)

For the Appellant/s : Mr. S.D.Yadav, AAG-9
Mr. Anil Kumar Verma, AC to AAG-9

For the Respondent/s : Mr. Sri Niwas Jha, Advocate
Mr. Anand Vardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)



Date : 15-09-2017

Heard counsel for the parties.

Since both these appeals arise out of a common order passed by a learned single Judge in a batch of writ applications vide order dated 27.03.2105 wherein the learned single Judge granted the relief and directed the State authorities to grant benefit of revised pay-scale and arrears in terms of the Notification dated 31.08.2013, the present appeals have been preferred by the State.

The ground taken in the two appeals are that the learned single Judge committed an error by not appreciating the circular in question because the said circular applies only to working teachers and not to the retired teachers.

The pay revision of the flock of teachers, who were working in Madarsa or Sanskrit Schools and who had not earned the benefit of pay revision for almost two decades from 01.01.1996, agitated their claim. The State took almost 17 years to notify the benefits. Merely because the life of some of the teachers in service did not last long enough before the notification came, it does not mean they cannot derive the benefit of revision of pay-scale which in terms of the notification relates back to 01.01.1996.

It is in this background that the learned single Judge observed that the benefits will accrue in favour of such petitioners till the



date of their superannuation and 31.08.2013 has no significance for them.

Counsels for the State are at askance as to how the notification and the stand taken in the Letters Patent Appeal can be reconciled on repeated query put before them.

The reason for filing the appeal is not appreciated or understood. The decision of the learned single Judge is a fair decision and, therefore, requires no interference.

In fact the Court was inclined to impose suitable cost upon the State for wasting precious judicial time for such frivolous litigation, but on earnest intervention by the two counsels representing the State, they are let off with certain caution and warning to their litigants.

Both appeals, therefore, are dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
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