

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1125 of 2004

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Md. Islam Ansari, Son Foll Mohammad Ansari, resident at Karmi tola P.S. Darouli,
District- Siwan at present posted as Assistant teacher at Vijya Narayan Singh
Sanskrit Prathimc Sub Madhya Vidyalaya Ram Nagar, Siwan.

.... Petitioner/s

Versus

1. The Chairman Sanskrit Shiksha Board Kadamkuan, Patna -3.
2. The Secretary Sanskrit Shiksha Board Kadamkuan, Patna-3.
3. Special Director Madhyamic Shiksha Bihar, Patna.
4. District Education Officer, Siwan.
5. Raghab Prasad Principal Vijay Narain Singh Sanskrit Prathmic Sub Madhya
Vidyalaya Ramnagar, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Aslam Ansari, Advocate
For the State : Mr. Sudish Kumar, A.C. to P.A.A.G. 2
For the Board : Mr. Satyam Shivam Sundram and
Mr. Shashank Shekhar Jha, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 08-02-2018

Heard learned counsel for the petitioner; State and Bihar
Sanskrit Shiksha Board.

2. The petitioner has moved the Court for the following
reliefs:

*“(a) To direct the respondent to pay due
salary of the petitioner from 1.4.80 to 1.3.83 and
1.4.86 to as yet.*

*(b) To direct the respondent to pay the due
salary of the petitioner with a 18% interest.*

(c) To direct the respondent to act



according to the direction given on 30.10.97 by the chairman Bihar Sanskrit education by which there was a clear direction to pay the entire due salary of the petitioner.

(d) Any other relief/reliefs to which the petitioner is entitle under the fact un circumstances of the case.”

3. The petitioner was appointed as Sanskrit teacher in Vijay Narayan Singh Sanskrit Prathmic Sah Madhya Vidyalaya, Ram Nagar in the district of Siwan on 31.01.1977. His service was approved by the Chairman, Bihar Sanskrit Shiksha Board on 24.03.1982. However, when he was not getting salary, he filed representation and thereafter C.W.J.C. No. 3959 of 1982, which was withdrawn on the basis of statement filed by the State that the relief had been granted to him. As no payment was made to the petitioner despite him filing several representations, he again filed C.W.J.C. No. 8925 of 1992 and the same was disposed off by a Division Bench of this Court on 18.04.1994 holding that the application was fully covered by a decision of the Court in C.W.J.C. No. 7399 of 1990 and analogous cases disposed off on 03.03.1994. Accordingly, a direction was given that the case shall also be governed by the aforesaid judgment. The said decision has been rendered in the case of **Subhash Chandra v. State of Bihar** reported as **1994(2) PLJR 359**. However, even after the said judgment, no payment was made to the petitioner. The reason probably was that the State of Bihar had



preferred Civil Appeal No. 3533 of 1995 against the judgment dated 03.03.1994 in C.W.J.C. No. 7399 of 1990. The petitioner again filed C.W.J.C. No. 1699 of 1994, which was disposed off by order dated 03.01.1995 with a direction to the petitioner to file representation.

4. Be that as it may, the petitioner has moved the Court in the present writ application as ultimately he was not paid his salary. Civil Appeal No. 3533 of 1995, filed by the State of Bihar has been dismissed by a Constitution Bench of the Hon'ble Supreme Court on 02.01.2017.

5. Learned counsel for the petitioner submitted that in view of the State having lost before the Hon'ble Supreme Court, the order dated 03.03.1994 in C.W.J.C. No. 7399 of 1990, having become final, the order passed by the Division Bench earlier in the case of the petitioner dated 18.04.1994 in C.W.J.C. No. 8925 of 1992, has also attained finality and the same be directed to be implemented.

6. Learned counsel for the State and Bihar Sanskrit Shiksha Board do not dispute the aforesaid position.

7. In view thereof, the writ petition stands disposed off with a direction to the concerned authorities to ensure that the earlier order dated 18.04.1994 passed in C.W.J.C. No. 8925 of 1992, is fully implemented in the case of the petitioner also.



8. The writ petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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