

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8051 of 1995

1. Sri Radha Krishna Sri 108 Ramjanki Sanskrit Prathmik-Sah-Madhya Vidyalaya, Pure, Post-Bela, P.S. Lakhsaur, District-Madhubani, through its Headmaster Sri Girija Nath Jha son of Sri Hari Nath Jha.
2. Kusheshwar Pushpamaya Parasmani Sanskrit Madhya-mik Vidyalaya, Rahua Sangram, P.O.- Rahua Sangram, P.S.- Madhepur, District- Madhubani, through its Headmaster Pandit Sri Rajeshwar Jha, son of Late Khela Nand Jha.
3. Diodhari Sanskrit Uchcha Vidyalaya, Deep, P.S.- Lakhsaur, District-Madhubani through its Headmaster Sri Bhairav Thakur son of Sri Shobha Nath Thakur.
4. Binod Tara Sanskrit Uchcha Vidyalaya, Magrauni, P.S.- Madhubani, District-Madhubani, through its Headmaster Sri Ayodhya Jha son of Late Ram Jha.
5. Godawari Ram Sewak Sanskrit Uchcha Vidyalaya, Panchratna, District-Madhubani through its Head Master Sri Jagda Nand Sharma son of Late Pandit & Ram Sevak Sharma.
6. Bhairvi Bhawan Sanskrit Prathmik Vidyalaya, Satlakha, P.S.- Rahika, District- Madhubani, through its Headmaster Sri Pitambar Jha son of Sri Kusheshwar Jha.
7. Gunjeshwari Babuaji Sanskrit Prathmik Vidyalaya, Kotha tole Rohika, P.S.- Rohika, District- Madhubani through its Head Master Sri Mohan Jha son of Late Sahdeo Jha.
8. Prathmik Sah Madhya Vidyalaya, Pasta, P.O.- Gonauli, P.S.- Andhra Tharhi, District- Madhubani through its Head Master Sri Vidya Nand Jha son of Sri Raghunath jha.
9. Sanskrit Uchcha Vidyalaya, Madneshwar Asthan P.O.- Madneshwar Astahn, P.S.- Andhra Tharhi, District- Madhubani through its Head Master, Sri Shramawatar Jha son of Sri Raghunath Jha.
10. Bhairvi Bhairweshwar Sanskrit Uchcha Vidyalaya, Jhanjharpur, P.S.- Jhanjharpur, District- Madhubani through its Head Master Sri Krishan Mohan Mishra son of Late Jai Ballabj Mishra.
11. Radha Krishna Sanskrit Prathmik Sah Madya Vidyalaya, Lakhanpur, P.S. - Lakhanpur, District- Madhubani, through its head Master Sri Bal Krishna Jha son of Late Rama Kant Jha.
12. Sarvodaya Darwari Prathmik-Sah-Madhyamik Vidyalaya, Lofa, District-Madhubani through its Incharge Headmaster Sri Shashidhar Mishra son of Late Maharudra Mishra.
13. Sharda Mandir Prathmik-Sah-Madhya Vidyalaya, Pahitol, P.S.- Sarisab Pahi, District- Madhubani through its Head Master Sri Amar Nath Jha son of Sri Vishwa Nath Jha.
15. Devi Ayurved Prathmik Sah Madhya Sanskrit Vidyalaya, Madhwapur, District- Madhubani through its Headmaster Sri Raghwendra Mishra son of Late Pandit Ramapati Mishra.
16. Kameshwar Lata Sanskrit Uchcha Vidyalaya, Ghoghardiha, P.S.- Ghoghardiha, District- Madhubani through its Head Master Sri Harekant Jha son of Late Indra Nath Jha.
17. Rameshwari Sanskrit Madhyavidyalaya, Rajnagar, P.S.- Rajnagar, District- Madhubani through its Head Master Sri Sunder Jha son of Late Mahidhar Jha.
18. Shiv Sanskrit Prathmik-Sah-Madhya Vidyalaya, Mansapur, P.S.- Laukahi, District- Madhubani through its Head Master Sri Chiranjib Mishra son of Late



Budhi Mishra.19. Bhawani Bhawan Sanskrit Uchcha Vidyalaya, Gonauli, P.O.- Gonauli, Via- Rajnagar, District- Madhubani through its Head Master Sri Chandra Kant Jha son of Late Mishri Lal Jha.

20. Ajab Lal Sanskrit Sarbjanik Sanskrit Uchcha Vidyalaya, Manasapur, P.S.- Laukahi, District- Madhubani through its Head Master Sri Jibnath Jha son of Late Tej Narayan Jha.

... ... Petitioner/s

Versus

1. The State of Bihar through Secretary, Prathmik Madhyamik Evam Janshiksha Vibhag, Government of Bihar, New Secretariat, Patna.
2. The Additional Secretary, Primary Secondary and Mass Education Department, Government of Bihar, New Secretariat, Patna.
3. The Special Director (Sanskrit), Primary Secondary and Mass Education Department, Government of Bihar, New Secretariat, Patna.
4. Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna through its Chairman.
5. Secretary, Bihar Sanskrit Shiksha Board, East Boring Canal Rad, Patna.

... ... Respondent/s

with

Civil Writ Jurisdiction Case No. 5619 of 1995

1. RAM NARESH SHUKLA, S/o Late Jamira Shukla
2. Binod Kumar Mishra, S/o Sri Ramji Prasad Mishra
3. Tarkeshwar Pandey, S/o Ramanand Pandey
4. Anirudh Shurma, S/o Sri Kamladutt Pandey
5. Bishnu Kant Mishra, S/o Sri Ramshevak Mishra
6. Pankaj Kuamr Shukla, S/o Sri Ram Naresh Shukla

All resident of near Manohar Das Jai Narayan Bubna Sanskrit Prathmik Sah Madhya Vidyhyalaya, Nai Sadak, P.O.-, P.S.- Chauk Patna City, Town and District Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Human Resources, Government of Bihar, New Secretariat, Patna.
2. The Special Director, Secondary Education, Department of Human Resources, Government of Bihar, New Secretariat, Patna
3. Bihar Sanskrit Shiksha Board, constituted under the provisions of the Bihar Sanskrit Shiksha Board Act having its office at East Boring Canal Road, near Rajapul, P.S. Budha Colony, District Patna, through its Secretary.
4. The Chairman, Bihar Sanskrit Shiksha Board, East Boring Canal Road, Near Rajapul, P.S. Budha Colony, District- Patna.

... ... Respondent/s

with



Civil Writ Jurisdiction Case No. 1848 of 1996

1. Pt. Jairam Jha, Son of Late Anup Narayan Jha alias Karpoor Jha,
2. Sri Gunakar Jha, Son of Late hari Shankar Jha,3. Sri Lakshman Jha, Son of Late Anup Narayan Jha alias Karpoor Jha,
4. Shri Shibesh Jha, Son of Shri Umesh Jha,
5. Sri Trilok Nath Jha, Son of Shri Gangadhar Jha,
6. Smt. Amira Devi D/o Shri Kusheshwar Jha,
7. Shri Mani Kant Jha, Son of Shri Ganesh Jha,
8. Shri Devendra Jha, Son of Late Mode Narayan Jha,
9. Shri Bhagirath Jha, Son of Late Jeewachh Jha,
All residents of village Tharhi, P.S. Andhra Tharhi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Human Resource Development, Government of Bihar, Patna.
2. The Additional Secretary, Human Resource Development Department, Government of Bihar, Patna.
3. Special Director, Secondary Education (Sanskrit) Department of Human Resource Development Department, Government of Bihar, Patna.
4. Bihar Sanskrit Siksha Board, through its Secretary, Boring Canal Road, P.S. Budha Colony, Dist. and Town Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8108 of 1995

1. NARAYAN JHA, Son of Sri Rajeshwar Jha
2. Kapileshwar Choudhary Son of Sri Mahabir Choudhary.
3. Jeebath Thakur Son of Late Durga Kant Thakur
4. Bhava Nand Jha Son of Late Nepal Jha
5. Sudershan Jha Son of Late Subhachandra Jha
6. Satya Deo Jha Son of ri Jagannath Jha
7. Basu Deo Jha Son of Sri Jagannath Jha
8. Tirpit Roy Son of Late Sonay Roy
9. Serial Nos. 1 to 8 are the Staffs of Sarashwati Bhawan Sanskrit Madhyamic Vidyalaya, Sugouna, P.S.- Tajnagar, District- Madhubani
9. Jagdish Jha Son of Late Rudra Nath Jha
10. Jantra Nath Jha Son of Late Yugeshwar Jha
12. Tara Nath Jha Son of Sri Kashinath Jha
13. Upendra Kuamr Jha Son of Sri Ram Deo Jha
14. Shailesh Chandra Jha Son of Late Chandra Narayan Jha
15. Indra Nath Jha Son of Late Dhartinath Jha
Serial Nos. 9 to 15 are the staffs of Pravabati Sanskrit Prathmic-Sah-Madhya Vidyalaya, Raiyam, P.S.- Jhanjharpur, District- Madhubani
16. Jagannath Thakur Son of Late Dayakant Thakur
17. Balanand Mishra Son of Late Leela Nand Mishra
18. Bhimnath Jha Son of Late Diva Nath Jha
19. Ramkhelawan Choudhary Son of Mishrilal Kamat.



Serial No. 15 to 19 are the staffs of Kaikeyee Shyama Sanskrit Madhya Vidyalaya Kachua Maibee, P.S. - Madhepur, District- Madhubani.

20. Mahendra Narayan Pandey Son of Late Tophi Pandey

21. Bishwanath Mishra Son of Late Mukti Nath Mishra

23. Mangnu Jha Son of Late Tribhuban Jha

24. Krishnachandra Sharma Son of Sri Braj Kishore Shrama.

25. Smt. Anju Kumar D/o Late Ramchandra Sharma

26. Rajkishore Thakur Son of Sihv Narayan Thakur

Serial Nos. 20 to 26 are the staffs of Brahmarshi Prathmic- Sah- Madhya Sanskrit Vidyalaya, Panchrattan, P.S.- Basopatti, Distt.- Madhubani

27. Harish Chandra Jha Son of Late Vishnu Kant jha

28. Deo Kumar Singh Son of Late Hariballabh Singh

29. Kumar Chandra Thakur Son of Sri Krishna Chandra Thakur

30. Kaushal Kumar Singh Son of Late Hariballabh Singh

31. Rambilash Singh Son of Late Jhingur Singh

32. Binod Kumar Singh Son of Sri Surjnarayan Singh

33. Sukhdeo Mandal Son of Sundar Mandal.

Serial Nos. 27 to 33 are the staffs of Habiballabh Sanskrit Prathmic-Sah- Madhya vidyalaya, Belha, P.S. - Phulparas, District- Madhubani

34. Sita Ram Jha Son of Late Raghuram Jha

35. Arun Kumar Jha Son of Sri Kunja Nath Jha

Serial Nos. 34 to 35 are the staffs of Shankar Darshan Sanskrit Prathmic- Vidyalaya, Saribpahi, P.S.- Pahi, District- Madhubani

36. Maya Nand Jha Son of Late Durga Nand Jha

37. Rama Kant Jha Son of Late Pulkit Jha

38. Sushil Kant Jha Son of Late Shova Kant Jha

39. Ganga Prasad Jha Son of Late Sundar Jha

40. Pramodanand Jha Son of Nitya Nand Jha

41. Satya Narayan Kamat Son of Shiv Nandan Kamt

Serial Nos. 36 to 41 are the staffs of Sanskrit Uchcha Vidyalaya, Pilakhwar, P.S.- Rajnagar, District- Madhubani

42. Hrishikesh Jha Son of Sri Sita Ram Jha

43. Amar Nath Jha Son of Sri Sita Ram Jha

44. Trilok Nath Jha Son of Sri Pitambar Jha

45. Uday Chandra Mishra Son of Late Diwakar Mishra

46. Mohan Jha Son of Sri Baiday Nath Jha

47. Satish Chandra Pathak Son of Late Turant Lal Pathak

48. Mangnu Jha Son of Late Murti Jha

49. Chitranjan Sen Son of Sri Mahendra Sen

50. Bhagwan Jha Son of Late Umakant Jha

51. Gouri Shankar Jha Son of Sri Yogeshwar Jha

Serial Nos. 42 to 51 are staffs of Saraswati Bhawan Jaikant Sanskrit Uchcha Vidyalaya, Chikna, P. S. - Ghoghardiha, District- Madhubani

52. Sadanand Jha Son of late Lakshmikant Jha

53. Shib Thakur Son of Late Jaynarayan Thakur

54. Shayam Kant Thakur Son of Late Uchit Narayan Thakur

55. Shyamjee Jha Son of Sri Rajendra Jha

56. Chandeshwar Choubey Son of Late Harinarayan Choubey

57. Bhubneshwar Mishra Son of Late Chandra Narayan Mishra

58. Bhabendra Jha Son of Sri Mahendra Jha

59. Deo Chandra Mishra Son of Late Surjmani Mishra

60. Gouri Shankar Jha Son of Late Musai Jha



Serial Nos. 52 to 60 are the staffs of Yog Purnima Janki Bhawan Sanskrit Uchcha Vidyalayam Satghara, P.S. - Babubarhi, District- Madhubani

61. Raghbendra Jha son of Late Ganesh Jha
62. Harish Chandra Mishra Son of Late Deo Nath Mishra
63. Smt. Sharda Thakur Wife of Trilok Thakur
64. Jai Chandra Jha Son of Late Mahanath Jha
65. Chitradhar Mishra Son of Late Amrendra Mishra
66. Narendra Nath Thakur Son of Sri Nageshwar Thakur
67. Surj Mohan Mishra Son of Sri Harishchandra Mishra
68. Satya Narayan Jha Son of Late Rameshwar Jha
69. Bindeshwar Roy Son of Sri Kari Roy

Serial Nos. 61 to 69 are the staffs of Bidyapati Brahmacharya Ashram Sanskrit Madhyamic Vidyalaya, Karmouli, P.S.- Khajouli, District- Madhubani

70. Shanti Nath Mishra Son of Late Shiv Nath Mishra
71. Ram Chandra Jha Son of Late Shobha Kant Jha
72. Bhogendra Jha Son of Late Ganesh Chandra Jha
73. Chandra Bhushan Jha Son of Sri Baidnath Jha
74. Rajchandra Mishra Son of Sri Ramchandra Mishra
75. Asha Mishra D/o Sri Beda Nand Jha
76. Abunch Jha Son of Late Yukti Jha

Serial nos. 70 to 76 are the staffs of Annapurna Sanskrit Prathmic-Sah-Madya Vidyalaya, Vishnupur, P.S. - Arer, District- Madhubani

77. Khem Nath Jha Son of Shri Mod Narayan Jha, Assistant Teacher, Anand Sanskrit Madhyamik Vidyalaya, Mirzapur, P.S. Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Commissioner-cum-Secretary, the Government Secondary, Primary and Adult Education Department, Government of Bihar, Patna.
3. Secretary, Secondary, Primary and Adult Education Department, Government of Bihar, Patna
4. Special Director (Sanskrit), Secondary, Primary and Adult Education Department, Government of Bihar, Patna.
5. Chairman, Bihar Sanskrit Shiksha Board, Patna.
6. Secretary Bihar Sanskrit Shiksha Board, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8863 of 1995

1. HARSH NARAYAN JHA Son of Sri Kameshwar Jha
2. Amir Jha Son of Late Madhu Kant Jha.
3. Mahi Kant Jha Son of Late Uma Kant Jha.
4. Raj Deo Jha Son of Late Badri Narayan Jha
5. Kamla Kant Jha Son of Sri Brahm Deo Jha
6. Ugra Kant Jha Son of Late Purshotam Jha



7. Digamber Jha Son of Late Rameshewar Jha
8. Shreepatti Jha Son of Late Dinesh Jha “Shashtri”
9. Mohan Kamti Son of Late Baldeo Kamti

Serial 1 to 9 are the staffs of Sanskrit Uccha Vidyalaya Parjuar, P.S.- Arer, District- Madhubani

10. Deo Narayan Thakur Son of Bisheshwar Thakur
11. Raj Kuamr Thakur Son of Late Ram Chandra Thakur
12. Kashi Kant Thakur Son of Late Jaleshwar Thakur
13. Umesh Mishra Son of Sri Suresh Mishra
14. Kamlesh Jha Son of Sri Guna Nand Jha
15. Dharm Nath Thakur Son of Chandeshwar Thakur

Serial nos. 10 to 15 are the staffs of Ugratara Sanskrit Uchha Vidyalaya Gandhwari P.S.- Pandoul, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Commissioner-cum-Secretary, Secondary, Primary and Adult Education Department, Government of Bihar, Patna
3. Secretary Secondary, Primary and Adult Education Department, Government of Bihar, Patna.
4. Special Director (Sanskrit) Primary and Adult Education Department, Government of Bihar, Patna.
5. Chairman, Bihar Sanskrit Shiksha Board, Patna.
6. Secretary Bihar Sanskrit Shiksha Board, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9869 of 1995

1. SUDHAKAR JHA Son of Shri Jhingur Jha
2. Bijoy Kumar Son of Shri Parmeshwar Sah
3. Kiran Kumari Daughter of Shri Sheolal Sah
4. Rajdeo Shukla Son of Late Sitaram Shukla
5. Amar Nath Shukla Son of Late Narain Shukla
6. Mani Prabhha Ayurved Sanskrit Madhya Vidyalaya, Gayeghat, Patna City, through the Secretary of the Adhoc Committee, Shri Ramanand Pandey.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Director, (Secondary), Sanskrit Education, Government of Bihar, Patna
2. The Secretary, Primary, Secondary and Mass Education Department, Gvoernment of Bihar, Patna.
3. The Under Secretary, Primary, Secondary and Mass Education Department, Government of Bihar, Patna
4. The Bihar Sanskrit Shiksha Board through its Secretary, Having its office at Boring Canal Road, Police Station Buddha Colony, Patna Town, District- Patna
5. The Chairman, Bihar Sanskrit Shiksha Board, having his office at Boring Canal Road, Police Station Buddha Colony, Patna Town, District- Patna



6. The Secretary, Bihar Sanskrit Shiksha Board, having his office at Boring Canal Road, Police Station Buddha Colony, Patna Town, District- Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10242 of 1995

1. KANKALI SANSKRIT MADHYAMIK VIDYALAYA, Bhaur, Police Station Pandaul, District- Madhubani, through its Headmaster Shri Radha Nath Singh Thakur
2. Radha Nath Singh Thakur, Son of Late Kashi Nath Singh Thakur
3. Dinesh Jha, Son of Shri Hari Kant Jha
4. Dimbhaka Nath Singh Thakur, Son of Late Ghan Nath Singh Thakur
5. Mahindra Thakur son of Shri Guna Nand Thakur
6. Mamta Nand Pathak Son of Late Radha Kant Pathak
7. Shyama Nath Singh Thakur Son of Late Muni Nath Singh Thakur
8. Maha Kant Choudhary Son of Late Shri Surya Narayan Choudhary

All nos. 2 to 6 are working as teaching staffs of the aforesaid Kankali Sanskrit Madhyamik Vidyalaya, Bhaur, Madhubani, and nos, 7 and 8 are working as clerk and peon respectively in the aforesaid Kankali Vidyalaya, Bhaur Police Station Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Primary, Secondary and Mass Education Department, Government of Bihar, Patna
3. The Special Director (Secondary), Sanskrit Education, New Secretariat, Government of Bihar, Patna
4. The Bihar Sanskrit Shiksha Board having its office at Boring Canal Road, Police Station Buddha colony, Patna Town, District- Patna, through its Secretary
5. The Chairman, Bihar Sanskrit Shiksha Board, Patna
6. The Secretary, Bihar Sanskrit Shiksha Board, having his office at Boring Canal Road, Police Station Buddha colony, Patna Town, District- Patna
7. Shri K.D. Sinha, Chairman, Bihar Sanskrit Shiksha Board-cum-Secretary, Education Department, New Secretariat, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11249 of 1995

1. KANKALI SANSKRIT MADHYAMIK VIDYALAYA, Bhaur, Police Station- Pandaul, Distt-Madhubani through its Headmaster Shri Radha Nath Singh Thakur
2. Radha Nath Singh Thakur, Son of Late Kashi Nath Singh Thakur
3. Dinesh Jha Son of Shri Hari Kant Jha
4. Dimbhaka Nath Singh Thakur, Son of Late Ghan Nath Singh Thakur
5. Mahindra Thakur son of Shri Guna Nand Thakur



6. Mamta Nand Pathak Son of Late Radha Kant Pathak
7. Shyama Nath Singh Thakur Son of Late Muni Nath Singh Thakur
8. Maha Kant Choudhary Son of Late Shri Surya Narayan Choudhary

All at Sl. No. 2 to 6 are working as teaching staffs of the aforesaid Kankali Sanskrit Madhyamik Vidyalaya, Bhour, Madhubani, and Sl. No. 7 and 8 are working as clerk and peon respectively in the aforesaid Kankali Vidyalaya, Bhour Police Station Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Secretary, Primary, Secondary and Mass Education Department, Government of Bihar, Patna
3. The Special Director (Secondary), Sanskrit Education, New Secretariat, Government of Bihar, Patna
4. Collector, Madhubani District- Madhubani
5. Bihar Sanskrit Shiksha Board having its office at Boring Canal Road, Police Station Buddha colony, Patna Town, District- Patna, through its Secretary
6. Secretary, Bihar Sanskrit, Shiksha Board
7. Secretary, Bihar Sanskrit, Shiksha Board
8. Sri K.D. Singh, Chairman, Bihar Sanskrit Shiksha Board-cum-Secretary, Education Department, New Secretariat, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 8051 of 1995)

For the Petitioner/s : Mr. Durga Nand Jha

For the Respondent/s : Mr. (Gp5)

(In Civil Writ Jurisdiction Case No. 5619 of 1995)

For the Petitioner/s : Mr. S.D.Sanjay

For the Respondent/s : Mr. (Gp5)

(In Civil Writ Jurisdiction Case No. 1848 of 1996)

For the Petitioner/s : Mr. Gajendra Kumar Jha

For the Respondent/s : Mr. (Sc9)

(In Civil Writ Jurisdiction Case No. 8108 of 1995)

For the Petitioner/s : Mr. Hemant Kumar Jha

For the Respondent/s : Mr. (Gp5)

(In Civil Writ Jurisdiction Case No. 8863 of 1995)

For the Petitioner/s : Mr. Hemant Kumar Jha

For the Respondent/s : Mr. (Gp6)

(In Civil Writ Jurisdiction Case No. 9869 of 1995)

For the Petitioner/s : Mr. Vijay Kumar Verma

For the Respondent/s : Mr. (Gp6)

(In Civil Writ Jurisdiction Case No. 10242 of 1995)

For the Petitioner/s : Mr. Vijay Kumar Verma

For the Respondent/s : Mr. (Gp6)

(In Civil Writ Jurisdiction Case No. 11249 of 1995)

For the Petitioner/s : Mr. Prafull Chandra Jha

For the Respondent/s : Mr. (Gp5)



CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 26-10-2018

Mr. Durga Nand Jha and Mr. Hemant Kumar Jha do appear on behalf of the petitioners in most of the cases. Counsel for the respondents are present and though some of the writ petitions go on unrepresented but since the issue raised in all these writ petitions is the same that they were made analogous and can be disposed by a common order. These matters were earlier adjourned for posting on disposal of a matter pending before the Supreme Court arising from Civil Appeal No. 5875/1994 and analogous cases including Civil Appeal No. 3533-3595/ 1995 which matters related grant of recognition to Sanskrit Schools under ordinances promulgated by the State legislature.

2. Since the matters pending before the Supreme Court have since been disposed vide judgment reported in (2017) 3 SCC 1 (Krishna Kumar Singh Vs. State) that these writ petitions have been posted on Board for consideration and disposal.

3. C.W.J.C. No. 5619 of 1995 was admitted for hearing on 09.07.1996, C.W. J.C. No. 1848 of 1996 was admitted for hearing on 16.07.1997 and other writ petitions were admitted for hearing on 25.03.1996.



4. On call learned counsel appearing on behalf of the petitioners do submit that it is feeling aggrieved by the order dated 03.08.1995 of the State Government whereby the payment of salary to the teachers in the different Sanskrit schools had been stopped that such action was put to challenge in this batch of writ petitions. It is further informed that since the recognition matter of the Sanskrit schools, were pending consideration before the Supreme Court that these matters were kept pending awaiting the Supreme Court judgment.

5. Learned counsel submits that the issue raised in these writ petitions had nothing to do with the recognition matter pending before the Supreme Court rather was restricted to the issue of stoppage of salary and which grievance of the petitioners also got redressed under the interim order passed by the Supreme court in the pending appeal. It is fairly admitted that by the release of salary of the petitioners, the issue so raised in this batch of writ petition has been rendered infructuous.

6. It is however contended that since the Supreme Court has held that the recognition granted to the Sanskrit schools under the ordinance in question was not lawful as the ordinance lapsed, such conclusion may have a prejudicial effect on the relief so granted to the petitioners. It is submitted that the petitioners are



under apprehension that in view of the order passed by the Supreme Court on the recognition matter, the respondents may not misinterpret the same, to initiate recovery process.

7. We have gone through the judgment passed by the Supreme Court in the case of ***Krishna Kumar Singh & Ors. (Supra)*** which judgment was awaited by this batch of writ petitions. We note that the interest of these petitioners has been protected by the Lordships of the Supreme Court in paragraph 81 of the judgment whereunder a direction has been issued that no recovery shall be made from any of the employees of the salary which has been paid to them during the tenure of the ordinance in terms of the directions contained in the judgment of the Supreme Court.

8. In such view of the matter and since it is the admission of the learned counsel appearing for the petitioners, that the salary of these petitioners, which had been stopped under the orders impugned dated 03.08.1995, was released by the State under the orders passed by this court and the Supreme Court, there lies no occasion for the petitioners to apprehend adversarial action by the State. In our view, in the nature of the directions present at paragraph 81 of the judgment of the Supreme Court in the case of Krishna Kumar Singh (supra), there is room for misinterpretation



by the State respondents to initiate recovery process. We do hold that the payment of salary of the petitioners herein would be protected in terms of the directions present in paragraph 81 of the judgment and the respondents are restrained from initiating any process for recovery of the salary which has already been paid to the petitioners.

9. In view of the legal position so settled by the Supreme Court in the case of Krishna Kumar Singh (supra) more particularly paragraph 81 thereof, since the grievance of the petitioners has been redressed, we dispose of this batch of writ petitions as having rendered infructuous but State shall abide by the restraint order present in paragraph 81 of the judgment of the Supreme Court.

10. The writ petitions are, accordingly, disposed of.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2018
Transmission Date	NA

