

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19049 of 2012

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1. Madhu Kant Thakur, S/O Late Budhinath Thakur, R/O Village- Jamua, P.S.- Dhaka, Distt- East Champaran, At Present 2nd Assistant Teacher Pt. Sri Raghunath Jha, Mithila Prathmik Sah Madhya Sanskrit Vidyalaya , Jamua, P.S.- Dhaka, Distt-East Champaran

2. Udai Narayan Jha, S/O Sri Sonelal Jha, R/O Village- Jamua, P.S.-Dhaka, Distt- East Champaran At Present Assistant Teacher, Pt. Sri Raghunath Jha Mithila Prathmik Sah Madhya Sanskrit Vidyalaya, Jamua, P.S.-Dhaka, Distt-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Human Resources Department Bihar, Patna

2. The District Education Officer, Motihari, East Champaran

3. The Bihar Sanskrit Shiksha Board, Bihar Through Its Secretary

4. The Chairman, Bihar Sanskrit Shiksha Board, Patna

5. The Secretary, Bihar Sanskrit Shiksha Board, Patna

6. The Headmaster, Pt. Sri Raghunath Jha Mithila Prathmik Sah Madhya Sanskrit Vidyalaya Jamua, P.S.-Dhaka, Distt-East Champaran

7. The Secretary, Managing Committee, Pt. Sri Raghunath Jha Prathmik Sah Madhya Sanskrit Vidyalaya Jamua, P.S.-Dhaka, Distt-East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tara Nath Jha, Advocate

For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

For the Board : Mr. S.S. Sundram, Advocate

Mr. Shashank Shekhar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 31-07-2018

Heard learned counsel for the petitioners and State.

2. The grievance of the petitioners in the present writ application is unauthorized action of the respondent Secretary of the Bihar Sanskrit Shiksha Board, Patna.

3. Learned counsel for the petitioners submits that Bihar Sanskrit Shiksha Board has granted approval to the services of the petitioners as Assistant Teacher and they have been paid salary, as



Assistant Teacher in the school. Later on, the Secretary of the Bihar Sanskrit Shiksha Board vide order dated 03.01.2008 (Annexure-4) cancelled the approval of the services of the petitioners.

4. Learned counsel appearing on behalf of the Bihar Sanskrit Shiksha Board submits that the Secretary has passed the order as per the direction of the Chairman of the Bihar Sanskrit Shiksha Board.

5. From Annexure-4, it does not appear that there is any decision by the Bihar Sanskrit Shiksha Board or by the Chairman of the Bihar Sanskrit Shiksha Board. Even assuming for the sake of argument that the decision (Annexure-4) was issued at the instance of the Chairman, the Chairman has no jurisdiction to review the decision granting approval by the Bihar Sanskrit Shiksha Board. Therefore, the order as contained in Annexure-4 is nullity and unsustainable.

6. Learned counsel for the petitioners submits that in terms of the order of the Board dated 15.12.1997, the Managing Committee of the School has already taken decision and recommended the cases of the petitioners for approval of the Board and the same is pending at the level of the Board.

7. In view of the above, the writ application is disposed of with a direction to Bihar Sanskrit Shiksha Board to consider the case of the petitioners in the light of their own decision as



contained in Memo No. 937 dated 15.12.1997 as to grant of approval of the services of the petitioners, if not already granted, and final decision in this regard must be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order. In view of quashing of annexure-4, there is no legal impediment in taking fresh decision in the light of recommendation of the Managing Committee (Annexure-11).

8. The Board is hereby directed to take final decision on the recommendation of the Managing Committee in relation to approval of the services of the petitioners within the time frame of four months. The respondents are also directed to ensure consequential benefit of approval of the services of the petitioners within a further period of two months from the date of such decision.

9. With the aforesaid, the writ application stands disposed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2018
Transmission Date	

