

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11571 of 2017

1. Sushil Kumar Ojha, Son of Late Mahendra Nath Ojha, resident of Mohalla- Dhobia Gali Gajadhar Chaudhary Lane Saraiyaganj, Post Office- Head Post Office Muzaffarpur, P.S.- Town, District- Muzaffarpur, at present posted and working as In-charge Head Master in Baidya Nath Sanskrit Prathmik- Sah-Madhya Vidyalaya Saraiyaganj, Post Office- Head Post Office Muzaffarpur, P.S.- Town, District- Muzaffarpur.
2. Birendra Nath Ojha Son of Late Ramdeo Ojha, resident of Mohalla- Dhobia Gali Gajadhar Chaudhary Lane Saraiyaganj, post Office- Head Post Office Muzaffarpur, P.S.- Town, District- Muzaffarpur, Retired from the post of In-Charge head Master on 28.02.2016 from Baidya Nath Sanskrit Prathmik-Sah- Madhya Vidyalaya Saraiyaganj, Post Office- Head Post Office Muzaffarpur, P.S.- Town, District- Muzaffarpur.
3. Lalita Rai, Wife of Sri Sachchida Nand Rai, resident of Village- Mirapur, P.S. - Sakra, District- Muzaffarpur, at present posted and working as Assistant Teacher in Baidya Nath Sankrit Prathmik- Sah- Madhya Vidyalaya Saraiyaganj, Post office- Head Post office Muzaffarpur, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Department of Education, Govt. of Bihar, Patna.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer (Establishment), Muzaffarpur.
6. The Chairman, Bihar Sankrit Shiksha Board, Patna Office situated at M.L.A. Flat no. 16, opposite Harding Road, Patna- 800001.
7. The Secretary, Bihar Sanskrit Shiksha Board, Patna Office situated at M.L.A Flat No. 16, opposite Harding Road, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jay Prakash Sharma, Advocate Mr. Kumar Kaushik, Advocate
For the State	:	Mr. Madanjeet Kumar-GP20
For BSSB	:	Mr. S.S.Sundram, Advocate Mr. Shashank Shekhar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 21-02-2018



Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State as well as the Sanskrit Shiksha Board.

The petitioners have filed the present writ petition for a direction to the respondents to ensure payment of their salary. The petitioners are working as In-charge Headmaster and Assistant Teachers in Baidya Nath Sanskrit Prathmik-sah-Madhyalay, Saraiyaganj, Muzaffarpur School. Their salary is due since 1.7.2014.

On behalf of the respondent-District Programme Officer a counter affidavit has been filed in the present writ petition in which in paras 5 and 6, following stands have been taken.

“5. That payment of salary of the petitioners could not be made because of non-availability of allotment for the same, this is why this deponent has sent a letter to the Special Director (Secondary Education) Education Department, Bihar, Patna vide letter No. 1175, dated 23.08.2017 by which allotment for the financial year 2015-16, 2016-2017 and 2017-18 for three schools has been solicited. The photo copy of above said letter No. 1175 dated 23.8.2017 is being annexed herewith and shown as annexure A to this counter affidavit.

6. That as soon as the allotment for the aforesaid school for the payment of salary is obtained, the due and legal payment of the petitioners will be made.”



In view of the above statements, there is no dispute to be decided as the respondents have stated that as soon as the allotment for the aforesaid school is received payment shall be made.

In view of the above facts and circumstances, the writ petition is disposed of with a direction to the Special Director, respondent No. 3 to ensure that funds are allotted to the school in question so that the dues of the petitioners are cleared. The respondent No. 3 will take step to ensure allotment of the fund expeditiously preferably within 60 days from the date of receipt/production of a copy of this order and the other officers will ensure payment of the salary immediately after receipt of the allotment from the State Government.

It is needless to state here that the respondents will calculate all legitimate dues of the petitioners and ensure payment of the same within the time as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2018
Transmission Date	

