

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.76 of 2017

In

Civil Writ Jurisdiction Case No.8699 of 2014

=====

Uday Kumar Chakrovarty S/o Late Profulla Kr. Chakrovarty R/o Village-
Bhagalpur, P.O.-Bhagalpur, P.S.-Ishakchawk, Distt.-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna
3. The District Education Officer, Banka
4. The Chairman, Bihar Sanskrit Siksha Board, through its Chairman, 414-F, Govindayan, East Boring Canal Road, Patna

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Choudhary, Advocate Mr. Anil Kumar Tiwary, Advocate Mr. Akshansh Ankit, Advocate
For the Respondent/s	:	Mr. Priyadarshi M. Sharan, AC to A.A.G.-15
For the Respondent No. 8:	:	Mr. Rabindra Prayadarshi, Advocate
For the BSSB	:	Mr. S. S. Sundram, Advocate Mr. Shashank Shekhar Jha, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 25-09-2018

The appellant (original writ petitioner) is aggrieved by the judgement dated 20.12.2016 passed by the Learned Single Judge in C.W.J.C. No. 8699 of 2014, whereby the prayer made on behalf of the appellant for a direction to the Bihar Sanskrit Shiksha Board (hereinafter referred to as "the Board" for short) to grant approval to the petitioner, who had been working on the post of



Science Teacher in Adarsh Sanskrit School Amarpur, Banka since 06.03.2001; to make payment of arrears of salary and other consequential benefits with penal interest; and to declare the services of the appellant to be continuous since 06.03.2001, has been rejected.

The Learned Single Judge while dismissing the writ petition of the appellant has relied upon the judgement delivered in a batch of writ petitions, the lead petition being C.W.J.C. No. 8930 of 2009 (Prabhakar Jha & Ors. Vs. The State of Bihar & Ors.), wherein it was held that the Scheme of Modernization of Science Teaching in Sanskrit Schools had been transferred by the Government of India to the Sanskrit Shiksha Sansthan (hereinafter referred to as "the Sansthan" for short), set up under the Ministry of HRD, New Delhi and the aforesaid Sansthan has fixed its own norms. As such, it was directed that the State of Bihar will not grant any further approval of any Science Teacher under the Modernization Scheme, so as to saddle either the Government of India or the Sansthan with the responsibility of payment of salary beyond the post of 86 Science Teachers. It was, however, left open for the respective other Non-Governmental Recognized Sanskrit Schools to approach the Sansthan and satisfy that it subscribes to the terms and conditions of the Sansthan. Till any decision is taken by the Sansthan, the order



referred to above in Prabhakar Jha and Ors. Vs. The State of Bihar & Ors. (supra) would cover the cases of only 86 Science Teachers, whose services were approved by the Government of Bihar vide letter No. 316 dated 19.06.2002.

The case of the appellant is that he was appointed in Aadarsh Sanskrit School, Amarpur, Banka, a grant-in-aid school, recognized by the Bihar Sanskrit Shiksha Board on 13.03.2001 on a temporary basis. Thereafter, in pursuance of the policy of the Government to modify the education in Sanskrit Schools, a decision was taken to introduce science subjects in such schools and consequently a second post for a Science Teacher was created in the school in question. The person, who was appointed against such vacant post left the service, whereafter the petitioner was made to join on the said post of Science Teacher (Central) on 29.03.2003.

It has been submitted on behalf of the appellant that the Human Resources Development Department gave a direction to the Bihar Sanskrit Shiksha Board to inquire into the selection process of all the Science Teachers appointed under the modernization policy in Sanskrit Schools. Without any enquiry, the Board decided to cancel the appointment of Science Teachers except 86 posts in various schools, which were approved by the Government.



The appellant claims to be the successor of one of such 86 Teachers.

The 86 Science Teachers, whose services were earlier approved by the Government, were paid their salary through the central agency, namely, Sanskrit Shiksha Sansthan.

Some of the Science Teachers of Sanskrit Schools in the State of Bihar approached the High Court of Patna vide C.W.J.C. Nos. 8930 of 2009; 8571 of 2009; 16435 of 2009; 1344 of 2010; 10018 of 2009; 11614 of 2009; and 12446 of 2009, praying for issuance of direction to the respondent-State for releasing grant for the purposes of payment of their salary and emoluments from 01.04.2000 till date.

A composite order was passed in the aforesaid cases on 08.12.2011 by this Court, in which it was held that the Government of India had not directed for closure of the Scheme of Modernization in Sanskrit Schools and, therefore, it could not stop the release of grant for payment of salary to those 86 Teachers, whose services were approved by the State Government. It is necessary here to state that the grants were stopped for want of utilization certificate by the Government of Bihar.

Thus the Learned Single Judge held that since the Scheme of Modernization of Teaching in Non-



Governmental Sanskrit School was transferred to the Sanskrit Shiksha Sansthan, only such Teachers (86 numbers) would be paid by the Sansthan and no others. However, it was left open for the other Non-Governmental Recognized Sanskrit Schools to approach the Sansthan for the needful. The order dated 08.12.2011 in Prabhakar Jha and Ors. Vs. The State of Bihar & Ors. and batch of analogous cases was limited to the case of 86 Science Teachers, whose services were approved by the Government of Bihar by letter No. 316 dated 19.06.2002.

The claim of the appellant is based on the fact that one of those 86 Teachers had left his employment and the appellant had stepped into the shoes of one of them, therefore, he is entitled to be paid by the Sansthan. It was further argued on behalf of the appellant that the Sansthan has not being paid to the 86 Teachers, rather in their list there are names of only 57 Teachers.

Assuming that all the 86 Teachers are not being paid by the Sansthan, that also would not give any entitlement to the appellant, whose services was never approved by the Government of Bihar.

Considering the aforesaid aspect, the Learned Single Judge vide judgement impugned has dismissed the writ petition of the appellant.



We are in agreement with the views of the Learned Single Judge, which does not call for any interference.

Appeal is dismissed in limine.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	28.09.2018
Transmission Date	

