

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9307 of 2014

Dr. Sachchida Nand Pandey, Son of Late Haribans Pandey, Resident of Village- Dharhara, P.O. and P.S.- Darihat, District- Rohtas at Sasaram presently working as an Assistant Teacher, Sudama Kashi North Sanskrit High School, Sidhauri, Dalmia Nagar, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government
2. The Special Director, (Secondary Education), Education Department, Government of Bihar, Patna
3. The Chairman, Bihar State Sanskrit Shiksha Board, Bihar, Patna
4. The Secretary, Bihar State Sanskrit Shiksha Board Bihar, Patna
5. The Headmaster, Sudama Kashi Nath Sanskrit High School, Sidhauri, Dalmianagar, Rohtas at Sasaram
6. Poonam Mishra D/o Not known, posted at Assistant Teacher, Sudama Kashi Nath Sanskrit High School, Sudhauri, Dalmia Nagar, District- Rohtas at Sasaram

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1
For the Respondent/s : Mr. Avinash Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 01-08-2018 1. Heard learned counsel for the petitioner and counsel appearing on behalf of the State as well as Sanskrit Shiksha Board.

2. Learned counsel for the petitioner submits that with reference to CWJC No. 10494 of 1995 disposed of on 06.03.1997. That this Court has already held out that the Science graduate is also entitled to be considered for approval of service referring to the finding of this Court contained in Annexure-1.

3. He submits that this Court has held out that the abolition of post will not come in the way of Sanskrit Shiksha



Board in deciding the claim of the petitioner. He also submits that petitioner is the senior most teacher and as such in the instant case, there was no impediment in considering the case for approval of the service of the petitioner.

4. He further submits that on misconstruction of the direction issued vide Annexure-1 the respondent Sanskrit Shikha Board passed the order contained in Annexure-4. Against that order (Annexure-4) petitioner has filed CWJC No. 2362 of 2007 which was allowed to be withdrawn, with a liberty to avail the forum of appeal under Section 24 of the Bihar Sanskrit Shikha Board Act. Before the appellate authority the petitioner has not impleaded the party, who were heard by the Sanskrit Shikha Board contained in Annexure-4, but the Appellate Authority while rejecting the claim of the petitioner vide Annexure-3, has reiterated the same illegality committed by the Sanskrit Shikha Board and only on the basis of abolition of the post of science teacher, the claim of the petitioner was rejected.

5. Prima facie the Court is of the view that the order passed by the Special Director Secondary Education and the Sanskrit Shikha Board runs contrary to the judgment of this Court contained in Annexure-1 as such order contained in



Annexures 3 and 4 cannot sustained. Accordingly, both the orders are quashed. The matter is remitted back to the Sanskrit Shiksha Board to consider the case of the petitioner strictly in accordance with the decision of this Court contained in Annexure-1 dated 06.03.1997. The Sanskrit Shiksha Board may pass fresh order after hearing all the teachers, who are likely to be adversely affected by the outcome of the decision.

6. Fresh decision by the Sanskrit Shiksha Board after hearing the party must be taken within a period of four months from the date of receipt/production of a copy of this order.

7. With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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