

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19764 of 2019**

1. Sudhir Kumar S/o Shri Krishnandan Singh, Assistant Teacher (Acharya), in Bani Bilash Sanskrit High School, Batho Darbhanga, resident of Kaneshwar Singh Darbhanga Sanskrit Viswavidalaya Karmchari Awas (behind Sanskrit Viswavidalya) G.O. Shri Krishnandan Singh, PO Lalbag, PS Viswavidalya Thana Pin- Code-64008 at Darbhanga.
2. Sarmila Kumari W/o Shree Girish Kumar Graduate teacher in Bani Bilash Sanskrit High School, Batho, Darbhanga, Resident at Village Manjhora, PS Bahera, Sub Divisional and Block Benipur, Dist. Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Secretary, Department of Human Resources and Development Govt. of Bihar, New Secretariat, at Patna.
2. The Special Director (Sanskrit) Human Resources and Development Department, Govt. of Bihar, New Secretariat, at Patna.
3. The District Education Officer, Darbhanga at Darbhanga.
4. The Chairman Sanskrit Siksha Board at 17, Back Harding Road, Patna-800001
5. The Secretary Sanskrit Siksha Board at 17, Back Harding Road, Patna-800001
6. The Secretary Managing Committee of Bani Bilash Sanskrit High School, Batho, Darbhanga
7. The Headmaster of Bani Bilash Sanskrit High School, Batho at Darbhanga
8. Shri Bisheshwar Rai, the Superannuated Headmaster of Bani Bilas Sanskrit High School. Batho at Darbhanga. resident at Village Batho, Post Mauzara, PS and Sub Banipur, Dist. Darbhanga

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. Mahesh Prasad Singh, Advocate      |
| For the Respondent/s | : | Mr. Shankar Kr Thakur, A.C. to G.P. 27 |
| For B.S.S.B.         | : | Mr. S.S. Sundaram, Advocate            |
|                      |   | Mr. Shashank Shekhar Jha, Advocate     |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      25-09-2019                      Heard learned counsel for the petitioners, learned counsel for the respondent State as well as learned counsel appearing for the Bihar Sanskrit Shiksha Board.



Petitioners are aggrieved by the decision of the Chairman of the Bihar Sanskrit Shiksha Board in Memo No. 4157 dated 18.12.18 rejecting the payment of salary to the petitioners.

Learned counsel for the Bihar Sanskrit Shiksha Board submits that there is a provision for appeal before the Special Secretary of the Education Department.

Learned counsel for the petitioners would submit that the respondents have consumed more than five years time in taking decision after the order by the Writ Court and, therefore, the present application may be decided on merit.

When provision for statutory appeal is available, then entertaining the writ application may not be appropriate. It is not appropriate for this Court to exercise jurisdiction of judicial review when there is statutory provision for appeal is available. The present writ application stands disposed of with liberty to the petitioners to prefer appeal before appropriate forum. If the appeal is preferred by the petitioners within one month along with a copy of this order, the appellate authority shall decide the appeal on merit after condoning the delay, if any, in filing appeal, within a maximum period of three months from the date of preferring such appeal.



With the aforesaid, the present writ application stands  
disposed of.

**(Anil Kumar Upadhyay, J)**

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