

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21063 of 2019

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Chandra Bhushan, Son of Shri Sita Kant Choudhary, resident of Mohalla-
Anandpuri, P.S.- S.K. Puri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Bihar, Patna.
4. The Special Director, Secondary Education, Bihar, Patna.
5. The Bihar Sanskrit Shiksha Board, Patna, through its Secretary.
6. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
7. The District Education Officer, Darbhanga.
8. The District Programme Officer, Establishment, Madhubani.
9. The Managing Committee of Maharani Lakshmishwari Sanskrit Prathmik Sah Madhya Vidyalaya, Laxmipur Anandpur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Hemant Kumar Jha, Advocate
For the State	:	Mr.Madhukar Mishra, A.C. to S.C.-16
For the BSSB	:	Mr. S.S. Sundram, Advocate
		Mr. Shashank Shekhar Jha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
Date : 19-11-2019

Heard learned counsel for the petitioner and the learned
counsel for the State.

2. The petitioner has come to this Court seeking the
following reliefs:

“(i) Issuance of a Writ in the nature of Certiorari
to quash Clause 6 of the Resolution of the Education
Department dated 31/8/2013 issued under the signature of



the joint Secretary, Education Department, Bihar, Patna which says that "Posts which have fallen vacant after retirement of teaching and non-teaching employees working in 1128 Madarsas and 531 non-government recognised Sanskrit Schools of different Categories of the State, shall be treated to be automatically converted in the fixed pay for grant by the Government with effect from 15/2/2011 and the grant shall be payable on the basis of calculation of pay fixed by the State Government for teaching and non-teaching employees appointed against all vacancies on or after 15/2/2011.

(ii) Issuance of a Writ in the nature of mandamus and/or any other Writ, order or direction directing and commanding the respondents to consider the applicability of Clause-6 of the said Resolution dated 31/8/2013 with effect from the date of issuance of the said Resolution and not from the retrospective date i.e. 15/2/2011 which has been made a cut-off date prior to which payment will be made in the pay scale and thereafter in the fixed pay.

(iii) Issuance of a Writ in the nature of mandamus and/or any other appropriate Writ, order or direction directing and commanding the respondents to make payment of arrear as well as current salary in the prescribed regular pay scale for which the petitioner is entitled to as per the rules and regulations of the Government."

3. Learned counsel for the petitioner submits that other Teachers who are similarly situated have preferred writ petition before this Court and the matter was settled as the teachers claimed to have been functioning in one or other of those 531 Schools which were on the grant-in-aid list prior to 15.02.2011. Learned counsel for the petitioner submits that the present



petitioner is also functioning in one of the 531 Schools which were referred to in the order of the Division Bench, wherein it has been directed that their cases were to be considered and payments were to be granted in terms of the judgment dated 27.03.2019.

4. Considering the fact that the petitioner's case is also similar to the case of the petitioner of C.W.J.C. No.15299 of 2015 and other analogous cases, it would be appropriate and in the interest of justice that the matter may be disposed of in the light of the directions as contained therein.

5. The present writ application is thus disposed of in the light of the directions passed by the Division Bench on 27.03.2019, which are extracted here under:

“These five writ petitions relate to the claim of salary by such teachers who are appointed in Sanskrit Schools and who claim to have been recognized prior to 15.02.2011 and are amongst the 531 schools who were on the grant-in-aid list prior to the aforesaid date. These petitioners have also been deprived of the benefits to which they were entitled by the impugned resolution dated 31st August, 2013 which has already been quashed by us today to the extent indicated in our judgment in C.W.J.C. No.985 of 2015 and, therefore, the petitioners would also be entitled to the same benefits on the same terms.

These writ petitions are also allowed accordingly with consequential benefits.”



6. Let the State authorities shall take appropriate steps in the matter so that the case of the petitioner is determined and the payments are released within a period of six weeks from the date of receipt/production of a copy of this order/judgment.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

