

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.765 of 2018

In

Civil Writ Jurisdiction Case No.2790 of 2008

Paras Nath Pandey, Son of late Sidheshwar Pandey, resident of Village Lachhubigha, P.S.- Nagarnausa, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through the Commissioner cum Secretary, Secondary and Adult Education, Government of Bihar, Patna.
2. The Director, Secondary and Adult Education, Government of Bihar, Patna.
3. The Special Director, Secondary Education, Government of Bihar, Patna.
4. The Chairman, Sanskrit Shiksha Board, Bihar, Patna.
5. The Secretary, Sanskrit Shiksha Board, Bihar, Patna.
6. The Law Officer, Sanskrit Shiksha Board, Bihar, Patna.
7. The Commissioner cum Secretary, Department of Finance, Bihar, Patna.
8. The Managing Committee, Sri Pachrang Baba Sanskrit Prathmik-Sah-Madhya (Middle) School, Lachhubigha, District Nalanda through its Secretary.
9. The Additional Director General, Vigilance Investigation Bureau, Bihar.
10. The Superintendent of Police, Nalanda at Biharsharif.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey- AAG15 Mr. Shashi Shekhar Tiwari, AC to AAG 15
Fpr the BSEB	:	Mr. S.S.Sundaram, Advocate Mr. Shashank Shekhar Jha, Advocate
For the Vigilance	:	Mr. Arbind Kumar, Advocate
For the Respondent No. 8:	:	Mr. Giridhar Gopal Tiwari Tiwari, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-01-2021

Heard learned counsel for the parties.

The learned Single Judge by his order dated



12.04.2018 has observed that the matter in this case would boil down as to whether the State Government is liable to pay the entire salary, right from the beginning, to any person wherein all the facts of the case are highly contested and disputed by the parties. This view taken by the court is fortified by the enquiry report dated 25.03.2018 submitted by the Vigilance Investigation Bureau which revealed serious irregularities. And thus, in such highly disputed factual background, only the Civil Court of competent jurisdiction is the appropriate forum for getting such issues settled once and for all and until such time, the authorities cannot be directed to make any payment to the petitioner.

For the reasons emanating from the record and the finding returned by the learned single Judge, we find the impugned judgment to be unsustainable, more so, for the reason that the copy of the enquiry report submitted by the Vigilance Investigation Bureau was never supplied to the parties, i.e. the writ petitioner/private party or the State or the private respondents. As such, on this ground alone, we quash and set aside the impugned judgment dated 12.04.2018 passed by the learned single Judge in CWJC No. 2790 of 2008.

At this stage, Shri Satyabir Bharti, learned



counsel for the appellant, states that the matter can be disposed of with a direction to the authority to consider and decide the issue of the appellant's right, including pecuniary benefits, if any, at the earliest.

State has no objection on the same.

As such, we dispose of the present appeal in the following terms:-

- (a) Impugned judgment dated 12.04.2018 passed by the learned single Judge in CWJC No. 2790 of 2008 is set aside.
- (b) Appellant shall appear before the respondent no. 2, namely, the Director, Secondary & Adult Education, Government of Bihar, Patna on 05.02.2021 at 10:30 AM, who shall, after affording reasonable opportunity to the parties, decide the matter afresh by passing a reasoned order as per law.
- (c) This the respondent no. 2 shall do within a period of two months from the date of appearance of the appellant along with a copy of this order and order assigning reasons shall be supplied.



(d) Liberty reserved to the appellant to challenge the order, if so required and desired.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.01.2021
Transmission Date	

