

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11956 of 2014

Sanjeet Kumar Son of Shri Sudama Sharma Resident of Village- Vasantpur,
P.S- Parasbigha, District- Jehanabad, presently posted as Peon in Laxmi
Sangved Sanskrit High School, Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Special Director, Secondary Education Bihar, Patna.
3. The Bihar Sanskrit Education Board, Boring Canal Road, Patna through its Secretary.
4. The Chairman, Bihar Sanskrit Education Board, Boring Canal Road, Patna.
5. The District Education Officer, Jehanabad.
6. The District Programme Officer, Jehanabad.
7. The Secretary of the Managing Committee of Laxmi Sangved Sanskrit High School, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
For the State	:	Mr. Nalin Vilochan Tiwary, A.C. to G.A.9
For the Board	:	Mr. S.S.Sundaram, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 12-10-2023 1. Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar Sanskrit
Education Board.

2. The petitioner has filed the instant application for
the following relief(s):

*“(i) For quashing the part of the
notification no. 688 dated 04.09.2013 i.e. Clause
4(F), Clause 5 (Ja) and Clause 6 of the said
notification/ circular by which it has been decided
that the Aid/ grant for the teaching and non-*



teaching staff of Non-government Aided Sanskrit Schools will be given only on the basis of fixed salary (as Niyojit Teacher) who have been appointed after 15.02.2011 even though after following due procedure on the then Pay Scales and it has further been held that all the posts which has become vacant due to retirement of teaching and non-teaching staffs of the abovesaid school will automatically convert into the post for which only fixed salary (as Niyojit Teacher) shall be made though all the appointments including the appointment of petitioner was made against the vacant post which was having a fixed pay scale as will be apparent from the advertisement published in the newspaper as well as his appointment letter.

(ii) For quashing the order contained in Memo No. 1689 dated 25.04.2014 issued by the Secretary, Bihar Sanskrit Education Board, Patna to the Managing Committee of the abovesaid school by which it has been directed that all the appointments of teaching and non-teaching staffs made after 15.02.2011 upto 31.08.2013 shall be treated as converted automatically into the post of fixed salary (as Niyojit Teacher) and payment shall be made only after getting the concurrence of the department and all the appointments (including the appointment of petitioner) will be treated as appointment made on the basis of fixed salary and not on the basis of pay scale and the managing committee has been directed to prepare a list of such staffs and to get approval for payment of such staffs from the government through the District



Education Officer.

(iii) For quashing the order dated 25.01.2014 by which the application for fixation of the pay of the petitioner bearing form -1 by which his application has been rejected on objection of the department on the ground that his appointment has been made after 15.02.2011.

(iv) For a direction to the respondent authorities to fix the salary of the petitioner in the revised scale as per 6th pay revision. Similar others government school and to pay the salary and all other consequential benefits to the petitioner.

(v) For any other relief(s) for which petitioner may found entitled in accordance with law.”

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of peon on 24.10.2011 vide appointment letter brought on record as Annexure-2 and the Bihar Sanskrit Education Board granted its approval to the appointment of the petitioner vide memo no.4429 dated 10.11.2011 (Annexure-3). It is submitted that the Bihar Sanskrit Education Board having filed their counter affidavit and having accepted the above averments by the writ petitioner to be matters of record, there remains no doubt that the appointment of the petitioner was on a date prior to 31.8.2023 and as such the petitioner is entitled for the relief prayed for in view of the decision of the Division Bench dated 27.3.2019 passed in



CWJC no.985 of 2015 (Imran Alam and others vs. The State of Bihar and others).

4. Learned counsel appearing for the Bihar Sanskrit Education Board submits that in addition to the above judgment which was in connection with Madarsa Board, the Division Bench also passed an order dated 27.3.2019 in CWJC no.15299 of 2015 with respect to the teachers appointed in Sanskrit schools, on the same terms as the aforesaid judgment in CWJC no.985 of 2015. The order dated 27.3.2019 passed in CWJC no.15299 of 2015 and analogous cases is reproduced herein below:

“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.”



5. The judgment dated 27.3.2019 passed in CWJC no.985 of 2015 clearly states that the impugned resolution dated 31.8.2013, therefore, cannot apply in the case of those who have been appointed prior to 31st August 2023. The same being the case of the petitioner, he having been appointed as a peon on 24.10.2011 and his service having been approved on 10.11.2011, the instant writ application is allowed in terms of the order dated 27.3.2019 passed in CWJC no.985 of 2015.

6. The writ petition is allowed in similar terms declaring that the petitioner will continue to receive the same salary that he was getting prior to the impugned resolution. The arrears of salary shall be paid by the District Education Officer, Jehanabad (respondent no.5) and the District Programme Officer (respondent no.6) within a period of three months on receipt of a copy of this order.

(Partha Sarthy, J)

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