

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13269 of 2021

1. Shree Kant Pandey S/o Yadunandan Pandey, Kashmir Ganj, P.O. and P.S.-Masaurhi, District-Patna.
2. Sati Kant Majumdar, S/o Amiya Kumar Majumdar, Kurmi Tola Murcha Road, Patna City, P.O. and P.S.-Sampatchak, District-Patna.
3. Rama Kant Pandey, S/o Ram Lakhan Pandey, 76 Mohalla-Taegna Gola, Kumhar Toli, Masaurhi, P.O. and P.S.-Masaurhi, District-Patna.
4. Raj Kumar Yadav, S/o Vipat Yadav, Resident of Mohalla-Sonakukara, P.O. and P.S.-Masuarhi, District-Masaurhi.
5. Vinod Kumar @ Vinod Kumar Sharma, S/o Ram Govind Singh, Resident of Mohalla-13, Ward No. 1, Taregna, Masaurhi K. Netaul, P.O. and P.S.-Masaurhi, District-Patna.
6. Aruna Devi, W/o Ram Nand Singh, Resident of Village-Bhakhara, P.O.-Hansadih, Bhakhra, P.O. and P.S.-Hansadih, Patna.
7. Malti Devi, W/o Chandeshwari Prasad Sharma, Ward No. -1, Taregnadih, Masaurhi, P.O. and P.S.-Masaurhi, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Special Director, Secondary Education, Government of Bihar, Patna.
3. The Secretary, Bihar Sanskrit Shiksha Board, Boring Canal Road (East), Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Establishment), Patna.
6. The Head Master, Baldeo Sanskrit High School, Masaurhi, Patna.
7. The Secretary, Managing Committee, Baldeo Sanskrit High School, Masaurhi, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Sinha, Adv.
For the Respondent/s	:	Smt. Shilpa Singh, (GA12)
For the B.S.S.B.	:	Mr. Shashank Shekhar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-01-2023 Heard learned counsel for the petitioners, for the
State and for the Secretary, Bihar Sanskrit Shiksha Board.

Petitioners filed the writ petition with many reliefs but during course of argument confined to relief no. 1 to grant benefits granted vide order dated 13.08.2019 passed in L.P.A. no. 43 of 2016 to similarly situated retired teachers and non-teaching staff who served Sanskrit Schools guided under Bihar Sanskrit Siksha Board.

Learned counsel for the petitioners submits that in L.P.A. no. 43 of 2016, it has been categorically held in page no. 23/24 of the said judgment which are set-out hereinbelow :-

“For the reasons and discussions above, we are satisfied to record that the appellant-writ petitioners have made out a case for indulgence and consequently we direct the respondent authorities in the Education Department including the Principal Secretary to accord the benefits of revision of pay-scales under the 5th and 6th Pay Revisions to the teachers and non-teaching staff of the Non-Government Recognized (Aided) Sanskrit Schools and Madarsas in the same manner as allowed to the teaching and non-teaching staff in the Government Schools together with dearness allowance admissible thereon and let the exercise together with the payment of differential amount of salary to which the teaching and

non-teaching staffs in these schools are entitled, be made within a period of three months from today.”

Learned counsel for the petitioners submits that due to non-compliance of the aforesaid order, M.J.C. was filed and in the said M.J.C. Rs. 25,000/- cost has also been imposed.

Learned counsel for the Bihar Sanskrit Shiksha Board submits that it is true that the said order has been passed against the State and the State has preferred S.L.P., which has been dismissed. Thereafter, contempt was filed and in the contempt application, cost of Rs. 25,000/- has been imposed on the Special Director, Secondary Education but the factual position is this that till date neither payment has been made to the petitioner of the said case nor any other similarly situated petitioners.

Learned counsel for the state submits that upon rejection of S.L.P., it has been decided by the official of the State to file Civil review petition and it has been submitted by the counsel of the State that till date decision of Civil review petition has not come therefore any adverse order shall not be passed. But both the counsels of State and Bihar Sanskrit Shiksha Board admits that the case of present petitioners is covered under the decision of L.P.A. no. 43 of 2016 and fate of

both the petitions is same.

Both counsels submit that the reliefs granted in the L.P.A. petition under the active consideration before the authorities and petitioners it is being assured on behalf of the respondent that he shall be treated similarly as like that on petitioners of L.P.A. No. 43 of 2016. Since it is a policy matter the same policy should be applicable to all the concerned as like that of petitioners of L.P.A..

In the above mentioned circumstances, this application is disposed off with a direction to the respondent no. 3, that the case of the petitioners must be considered on the same footing as like of petitioners of L.P.A. No. 43 of 2016 and liberty is hereby granted to the petitioners that if their case shall be treated, otherwise, they shall be at the liberty to file contempt application against the officials, collectively or individually.

With this direction, this Writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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