

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4350 of 2021

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Ram Chandra Prasad Son of Late Kapildeo Sah Resident of Village-
Pachtakiyadu Post Office and P.S.- Baorgania, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Special Director (Secondary Education), Bihar, Patna.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.
6. The Chairman, Bihar Sanskrit Siksha Board, Patna.
7. The Secretary, Bihar Sanskrit Siksha Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shree Kant Pandey, Adv.
For the Respondent/s	:	Mr.Lalit Kishore, A.G.
		Mr. Subhash Chandra Mishra, SC-16
		Ms. Kumari Sujata Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 28-02-2024

Heard learned counsels for the parties.

2. The present writ application has been filed for the following relief:

For issuance of a writ in the nature of Mandamus directing and commanding the respondent authorities to make the payment of salary of the petitioner, who was working as an Assistant Teacher (Primary Unit) at Gurukul Arya Samaj Residential Sanskrit High School, Sitamarhi.



3. Learned counsel for the petitioner submits that the petitioner was appointed by the School Managing Committee as Primary Teacher in Primary Unit vide letter no. 56 dated 22.10.1982 in that School, which is approved by Bihar Sanskrit Siksha Board, Patna vide Memo No. 2868 dated 14.11.1982 as temporarily with a condition that payment of that post would be done, after approval of the post by the Government. The petitioner was working at the aforesaid school since the year 1981 and thereafter, retired from service after attaining the age of 62 years on 31.06.2011.

4. It is further submitted that the State Government took over the aforesaid school vide ordinance No. 32 dated 18.12.1989. He further submits that vide letter No. 957 dated 18.11.1989, the State Government created two primary unit post as Primary Teacher in sixty Sanskrit Schools including the school of the petitioner. However, vide letter no. 1056 dated 21.12.1995, the aforesaid letter no. 957 dated 18.11.1989 was cancelled. Pursuant to the aforesaid, the Special Director, Secondary Education, Patna vide Letter No. 817 dated 08.10.2015 wrote to the Secretary, Bihar Sanskrit Shiksha Board, Patna stating therein that the Primary Unit which was cancelled earlier is again revived and further ordered for



payment of salary to the teachers. Thereafter, the petitioner filed representation before D.E.O. Sitamarhi on 12.04.2019 for payment of salary, which is received on 16.04.2019 in Office of D.E.O., Sitamarhi, but no heed was paid. Thereafter, having no other alternative and efficacious remedy, the petitioner moved before this Court for redressal of his grievance.

5. Learned counsel for respondent no.5 filed counter affidavit stating therein that the petitioner has moved straight before this Court without following due procedure of approaching the learned District Appellate Authority or the learned State Appellate Authority.

6. Learned counsel for the petitioner filed rejoinder to the counter affidavit stating therein that pursuant to letter no. 817 dated 08.10.2015, Bihar Sanskrit Shiksha Board vide memo No. 2101 dated 27.07.2021 ordered to D.E.O. Sitamarhi for payment of salary to the petitioner, but till date no action was taken in relation to the aforesaid.

7. It is further submitted that the judgment/order dated 23.02.2022 passed in C.W.J.C. No. 5489 of 2020 is not applicable to the Sanskrit School, only applicable to general school teachers.

8. In such view of the matter, I deem it proper and in the



interest of justice to direct the petitioner to file a detailed representation along with the supporting documents before the District Education Officer, Sitamarhi (respondent no.4) for redressal of his grievances and respondent no.4 is well advised to pass a reasoned and speaking order in accordance with law after affording proper opportunity of personal hearing or after hearing his counsel. The order must be passed within four weeks from the date of receipt of the representation of the petitioner after affording an opportunity of hearing to the petitioner.

9. It is made clear that the District Education Officer, Sitamarhi (respondent no.4) shall be solely responsible for non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2024
Transmission Date	NA

