

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1237 of 2019

1. Vijay Kumar Chaudhary, S/o Baikunth Prasad Chaudhary, Resident of Village and P.O.- Rohiyar Konchi, P.S.- Hathouri, Via- Singhiya, District- Samastipur.
2. Mahesh Prasad Yadav, S/o Late Yoganand Yadav, Resident of Village- Lakshminiya, P.O.- Rahiyar Konchi, P.S.- Hathouri, Via- Singhiya, District- Samastipur.
3. Uday Chandra Choudhary, S/o Late Hari Prasad Chaudhary, Resident of Village and P.O.- Rahiyar Konchi, P.S.- Hathouri, Via Singhiya, District- Samastipur.
4. Sanjeev Kumar, S/o Ramanand Choudhary, Resident of Village- Rahiyar, P.O.- Konchi, P.S.- Hathouri, Via Singhiya, District- Samastipur.
5. Hardeo Prasad Yadav, S/o Late Ram Govind Yadav Resident of Village- Sirsiya, P.O.- Akona, P.S.- Hathouri, Via Singhiya, District- Samastipur.
6. Ram Lagan Yadav, S/o Late Raghu Nandan Yadav, Resident of Village- Lakshminiya, P.O.- Rahiyar, P.S.- Hathouri, Via Singhiya, District- Samastipur.
7. Ramdev Roy, S/o Chetteri Roy, Resident of Village- Rupouli, PO- Mahishi, PS- Bibhutipur, District- Samastipur.
8. Yoganand Choudhary, S/o Late Kedar Choudhary, Resident of Village- Lakshminiya, P.O.- Rahiyar, PS- Hathouri, Via- Singhiya, District- Samastipur.
9. Shailendra Kumar Pandey, S/o Nand Kishore Pandey, Resident of Village- Non-Gardh, PS- Halsi, District- Lakhisarai.
10. Arun Kumar, S/o Late Bhola Mahto, Resident of Mushhari, P.O.- Khodavandpur, P.S- Khodavandpur, District- Begusarai.
11. Bhagwan Prasad Choudhary, S/o Ram Sajivan Choudhary, Resident of Village- Lakshminiya, P.O.- Rohiyar, PS- Hathouri, Via- Singhiya, District- Samastipur.
12. Sanjeev Paswan, S/o Prabhakar Paswan, Resident of Village- Kankar, P.S.- Hathouri, District- Samastipur. Petitioner no.1 is the Incharge Headmaster and Petitioner no.2 to 10 are Assistant Teacher and Petitioner No.11 and 12 are Peon of Sanjay Gandhi High School, Laxminiya, Shivaji Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Vikash Bhawan, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Vikash Bhawan, Patna.
3. The Director, Human Resources Development Department, Government of Bihar, Vikash Bhawan, Patna.



4. The Bihar School Examination Board, Patna
5. The Chairman, Bihar School Examination Board, Patna.
6. The Secretary, Bihar School Examination Board, Patna.
7. The Controller of Examination, Bihar School Examination Board, Patna.
8. The District Education Officer, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suresh Kumar Ishwar
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)
Mr. Manish Kumar , Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 02-02-2024 1. The petitioners are the teaching and non teaching staffs of Sanjay Gandhi High School, Laxminiya, Shivaji Nagar, Samastipur affiliated to the Bihar School Examination Board [for short “the Board”] since 1983. They have approached this Court for a direction to the Board for payment of grant- in- aid for the period 2011-2017 as per the scheme of the Government on the basis of examination conducted and result published between 2011-2017.

2. Learned counsel for the petitioners submits that in terms of the decision of the State Government to grant emoluments to the teaching and non-teaching staffs of the affiliated school / college, which was linked to the result / performance of the students, the Board had given grant- in- aid to the petitioners’ school in 2009 to the tune of Rs. 2,93,000/- and in 2010 to the tune of Rs. 4,46,000/-. Learned counsel further submits that vide



Annexure – 3 utilization certificate has been submitted to the Board for the year 2010.

3. Mr. Manish Kumar, learned counsel appearing for the Board submits that since affiliation of the petitioners' school has been cancelled on 27.12.2017 as such, in the eyes of the Board the existence of the school is not on record. He further submits that the school also did not provide utility certificate to the Board for the year 2010. The petitioners' school was given a sum of Rs. 4,46,000/- in the year 2010.

4. Having heard learned counsel for the parties and considering their rival submissions, it is clear that the school in question was recognized/affiliated to the Board till 2017. The petitioners' school has submitted utility certificate vide Annexure- 3 for the year 2010.

5. Accordingly, in my opinion, teaching and non-teaching staffs of the school working during the period 2011-2017 are entitled to be given the benefits of grant -in- aid as per the scheme of the Government and after 2017 of-course teaching and non- teaching staffs are not entitled for grant -in-aid because according to the Board affiliation granted to the school was cancelled.

6. As discussed hereinabove, I direct the Secretary of the



Board (i.e. respondent no. 6) to examine the claim of the petitioners in accordance with the scheme of the Government and / or Board and disburse the grant -in - aid between 2011-2017 in accordance with law through the District Education Officer, Samastipur. The grant- in- aid for the aforesaid period shall be disbursed by the Board just after receipt of the amount from the State Government. The District Education Officer, Samastipur (respondent no. 8) is directed to verify and examine the claim of the petitioners and other teaching and non-teaching staffs working during the aforesaid period and after being satisfied about their credentials, the amount shall be released in favour of the claimants by the D.E.O., Samastipur preferably within a period of three months from the date of receipt of the amount from the Board.

7. With the aforesaid observation and direction, the writ application is disposed of.

(Anil Kumar Sinha, J)

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