

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1972 of 2024

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1. Navin Kumar Jha S/o Late Kamlakant Jha, R/o Tulsipur, P.s.-Kharik Bazar, District-Bhagalpur-853202.
 2. Dhananjay Jha, S/o Late Upendra Jha, R/o Bhramarpur, P.s.-Bihpur, District-Bhagalpur-853201.
 3. Bipin Bihari Mishra, S/o Late Kailash Ch. Mishra, R/o Bhramarpur, P.s.-Bihpur, District-Bhagalpur-853201.
 4. Shitanshu Kunal, S/o Sri Ashok Kumar Mishra, R/o Bhramarpur, P.s.-Bihpur, District-Bhagalpur-853201.
 5. Ritesh Kumar Mishra, S/o Sri Jagdish Ch. Mishra, R/o Bhramarpur, P.s.-Bihpur, District-Bhagalpur-853201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.
2. The Joint Secretary, Education Department, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Director, Secondary Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
4. The Special Director, Secondary Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
5. The Chairman, Bihar Sanskrit Shiksha Board Patna through its Secretary.
6. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
7. The District Education Officer, Bhagalpur.
8. The District Programme Officer (Establishment), Bhagalpur.
9. The Managing Committee, Durga Sanskrit Uchch Vidyalay, Bhramarpur, District-Bhagalpur through its Secretary.
10. The Headmaster, Durga Sanskrit Uchch Vidyalay, Bhramarpur, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate Mr. Jitendra Acharya, Advocate Mr. Ram Naresh Jha, Advocate
For the Respondent/s	:	Mr. Government Pleader (24)



CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-12-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the following relief/s:-

“(i) To hold and declare that in view of the law laid down by this Hon'ble Court vide order dated 27.03.2019 in CWJC No. 985 of 2015 (Imran Alam & Another Vs The State of Bihar & Others) {Annexure - P/11 to this writ petition}, the petitioners, who have been appointed as Assistant Teachers in the School in hand on 18.05.2013, that too, after following the due procedure of selection are entitled for being paid their salary in regular scale of pay as has been granted by the Joint Secretary, Department of Education, Govt. of Bihar, Patna to the similarly situated Assistant Teachers working in 531 Sanskrit Schools like these petitioners vide Annexure -P/15 & Annexure - P/17 to this writ petition .

(ii) Issuance of an order, direction or a writ in the nature of mandamus commanding the respondents concerned to make the payment of the arrears of salary claim of the petitioners in the regular scale of pay from the date of their respective joining in the School in hand till the date as mentioned in this writ petition .

(iii) Issuance of an order, direction or a writ in the nature of mandamus commanding the respondents



concerned to make the payment of arrears of the salary claim of the petitioners from the dates mentioned in the above mentioned table, after making its proper calculation and upon supplying the details of the arrears of salary claim to the petitioners in advance .

(iv) For issuance of an order, direction or a writ in the nature of mandamus commanding the respondents concerned to make the payment of interest at least @ 12% per annum over the said arrears of salary claim of the petitioner for the period mentioned in the said table in the writ petition i. e, {paragraph 1 (ii)}.

3 . Learned counsels for the parties are in agreement that the issue involved in the present writ petition stands finally adjudicated vide judgment dated 27.03.2019 passed by the Division Bench of this Hon'ble Court in ***C.W.J.C. No. 15299 of 2015*** and connected petitions wherein the Division Bench has relied upon its earlier judgment passed in ***C.W.J.C. No. 985 of 2015*** decided on 27.03.2019 whereby the Memo, dated 31st August, 2013, filed by the respondents, was quashed. It would be apposite to quote the order passed by the Division Bench in ***C.W.J.C. No. 15299 of 2015***, which reads as follows:

“These five writ petitions related to the claim of salary by such teacher 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.”

4. In the above facts and circumstances of above, this writ application is disposed of with a direction to the petitioners to file representation before the District Programme Officer, Establishment, Bhagalpur (Respondent No. 8) along with all the necessary documents and details in support of their claim, within a period of six weeks from today.

5 . In the event the petitioners file their representation within the stipulated period, the District Programme Officer, Establishment, Bhagalpur (Respondent No. 8) shall examine the claim of the petitioners and dispose of their representation, in accordance with law, after hearing the parties, preferably within a period of three months from the date of filing of the representation. .

6. It is needless to say that in case the claim of the petitioners is found to be similar with that of petitioners in ***C.W.J.C. No. 985 of 2015*** and ***C.W.J.C. No. 15299 of 2015*** and



analogous cases, the same benefits shall be extended to these petitioners.

(Prabhat Kumar Singh, J)

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