

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2938 of 2024

=====

Shashi Shekhar Dubey Son of Uday Shankar Dubey Resident of Village-
Dadra, P.O.- Pahriyan, P.S.- Bhagwanpur, District- Kaimur (Bhabhua), Bihar-
821101

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Bhabhua, District- Bhabhua.
5. The District Program Officer (Establishment), Bhabhua, District- Bhabhua.
6. The Chairman, Bihar Sanskrit Education Board, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Priyajeet Pandey, Advocate Ms. Megha, Advocate
For the Respondent/s	:	Mr. Government Advocate 2 Mr. Venkatesh Kirti, JC to GA- 2

=====

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 30-07-2024

Heard the learned counsel for the parties.

2. The petitioner, who was appointed as Peon on 21.04.2013 in the Saraswati Sanskrit High School, Bhabhua has filed this writ petition seeking a direction to the respondent authorities to provide regular pay scale benefits to the petitioner in the light of the Judgment passed by the Division Bench of this Court in C.W.J.C. No. 985 of 2015, dated 27.03.2019, on and from 08.05.2013.



3. Mr. Venkatesh Kirti, learned counsel appearing for the State representing respondent Nos. 1 to 5, submits that the counter affidavit by the respondent No. 5 was filed on 23.07.2024. The counter affidavit filed by the respondent no. 5, however, is not on record. Learned State Counsel by referring to paragraph No. 9 of the counter affidavit stated to have been filed on 23.07.2024, has submitted that it is the respondent No. 6/The Chairman, Bihar Sanskrit Education Board, Patna who is the competent authority to provide the petitioner the benefits of regular pay scale.

4. The Respondent No. 6 has filed a counter affidavit, wherein, in paragraph No. 10, it has been stated as under:-

“That, the claim of the petitioners would be examined in the light of the decision rendered by the Hon’ble Division Bench in C.W.J.C. No. 985 of 2015 and if they were found to be appointed validly prior to the date of issuance of the said resolution i.e., 31.08.2013, the similar benefits would be allowed to them.”

5. In the light of the averments made in paragraph No. 10 of the counter affidavit filed by the respondent no. 6, that the petitioner’s claim would be examined in the light of the decision rendered by this Court in C.W.J.C. No. 985 of 2015 and if found to be appointed validly prior to the date of issuance of the resolution dated 31.08.2013, similar benefits would be allowed to the



petitioner; this writ petition shall stand disposed of with a direction to the respondent No. 6/ The Chairman, Bihar Sanskrit Education Board, Patna to examine the claim of the petitioner in the light of the decision rendered by this Court in C.W.J.C. No. 985 of 2015 and pass appropriate order within a period of four weeks from the date of submission of a copy of this order.

6. This writ petition is disposed of with the above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2024
Transmission Date	NA

