

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6731 of 2021

1. Kundan Kumar Vats Son of Chandeshwari Prasad Sharma Vats, Resident of Village-Ward No. 1 Taregna Dih, P.S.-Masaurhi, District-Patna. posted as Assistant Teacher in Baldeo Sanskrit High School Masaurhi, Patna.
2. Manoj Kumar Suman, Son of Baleshwar Sharma, Resident of Village-Nonahi, P.S. Kako, District-Jehanabad. posted as Assistant Teacher in Baldeo Sanskrit High School Masaurhi, Patna.
3. Sudhanshu Kumar Mishra, son of Dev Kumar Mishra, Resident of Swarajpuri Colony, Unta Madarpur, P.S. and District-Jehanabad. posted as Assistant Teacher in Baldeo Sanskrit High School Masaurhi, Patna.
4. Kiran Kumari, W/o Satyendra Kumar, Resident of Ward No. 2, Opp Gandhi Nagar, P.S. Masaurhi, District-Patna. posted as Assistant Teacher in Baldeo Sanskrit High School Masaurhi, Patna.
5. Archana Kumari, W/o Gaurav Kumar, Resident of Ward No. 1, Taregna Dih, P.S. Masaurhi, District-Patna, posted as Assistant Teacher in Baldeo Sanskrit High School Masaurhi, Patna.
6. Sanjay Pandey, Son of Arjun Pandey, Resident of Village and P.S. Ekangarsarai, District-Nalanda, Assistant Teacher of Maharani Sanskrit Primary-cum-Middle School Khudauri, Jehanabad.
7. Ankit Kumar, Son of Sanjeev Kumar, Resident of Village-Khudauri, P.S. Hulasganj, District-Jehanabad, Assistant Teacher of Maharani Sanskrit Primary-cum-Middle School Khudauri, Jehanabad.
8. Randheer Kumar, son of Sri Nagendra Kumar, Resident of Village-Laraua, P.S.-Makhdumpur, District-Jehanabad. Asst. Teacher of Swami Sahjanand Sanskrit Primary-cum-High School, Pandey Patti Jail Road, Buxar.
9. Ribha Kumari, Wife of Pramod Kumar, Resident of 309, Priyadarshi Nagar, Near D.P.S. Bailey Road, Dinarpur-cum-Khagaul, P.S. Khagaul, District-Patna. Asst. Teacher of Swami Sahjanand Sanskrit Primary-cum-High School, Pandey Patti Jail Road, Buxar.
10. Soni Kumari @ Soni Sharma, Wife of Hare Ram Sharma, Resident of Defense Colony, Shahpur, Dinapur-cum-Khagaul, P.S. Khagaul, District-Patna. Asst. Teacher of Swami Sahjanand Sanskrit Primary-cum-High School, Pandey Patti Jail Road, Buxar.
11. Sangeeta Raj, Wife of Manish Singh, Resident of Dharhara New Colony, Hanuman Tola, P.S.-Arah Town, District-Bhojpur, Asst. Teacher of Swami Sahjanand Sanskrit Primary-cum-High School, Pandey Patti Jail Road, Buxar.
12. Mritunjay Kumar, Son of Megh Nath Sharma, Resident of Village-Dilawarpur, P.S.-Bihta, District-Patna. Assistant Teacher of Shri Nimbark Krishna Madhwanand Sanskrit High School Dhanamuthh, Patna.
13. Ranjeet Kumar, Son of Dinesh Sharma, Resident of Village-Sidhipur, P.S. Paliganj, District-Patna. Assistant Teacher of Shri Nimbark Krishna Madhwanand Sanskrit High School Dhanamuthh, Patna.
14. Yogendra Dutt Ojha, son of Late Braj Nandan Ojha, Resident of Village-



- Phulari, P.S. Sandesh, District-Bhojpur, Assistant Teacher of Shri Nimbark Krishna Madhwanand Sanskrit High School Dhanamuthh, Patna.
15. Dheeraj Kumar, Son of Ram Vinay Sharma, Resident of 363, Budh Nagar, Masaurhi, P.S.-Masaurhi, District-Patna. Assistant Teacher of Sonamati Sanskrit High School Vishwambharpur Datiyana, Patna.
 16. Laxmi Narayan, Son of Gauri Shankar Sharma, Resident of Village and P.O.-Bishwambharpur, Datiyana, P.S.-Bikram, District-Patna. Assistant Teacher of Sonamati Sanskrit High School Vishwambharpur Datiyana, Patna.
 17. Laliteshwar Prasad, Son of Baldeo Narayan Singh, Resident of Matashree, Hariom Nagar, Near Ambedkar Dental College, Ram Jaipal Path, Dinapur-cum-Khagaul, P.S. Khagaul, District Patna. Assistant Teacher of Sonamati Sanskrit High School Vishwambharpur Datiyana, Patna.
 18. Gauri Shankar Sharma, son of Ram Prasad Singh, Resident of Village-Jinpura Dhobiyakala, P.S. Naubatpur, District-Patna. Assistant Teacher of Sonamati Sanskrit High School Vishwambharpur Datiyana, Patna.
 19. Venkatesh Sharma, Son of Bhuvneshwar Sharma, Resident of Bishambharpur, P.S. Bikram, District-Patna. Peon of Sonamati Sanskrit High School Vishwambharpur Datiyana, Patna.
 20. Sanjeet Kumar, son of Sudama Sharma, Resident of Village-Vasantpur, P.S. Parasbigha, District-Jehanabad, presently posted as Peon in Laxmi Sangved Sanskrit High School, Jehanabad.
 21. Vishwanath Kumar, Son of Mahesh Kumar, Resident of Village-Bambhai, P.S. Karpi, District-Arwal, Presently posted as Peon in Madhav Sanskrit Primary-cum-Middle School, Mahrauli Sakari Khurd, Palasi, Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Deputy Secretary, Education Department, Government of Bihar, Patna.
4. The Special Director (Secondary Education), Bihar, Patna.
5. The Chairman, Bihar Sanskrit Education Board, Patna.
6. The Secretary, Bihar Sanskrit Education Board, Patna.
7. The District Education Officer, Patna.
8. The District Education Officer, Buxar.
9. The District Education Officer, Jehanabad.
10. The District Education Officer, Arwal.
11. The District Programme Officer (Establishment), Patna.
12. The District Programme Officer (Establishment), Buxar.
13. The District Programme Officer (Establishment), Jehanabad.



14. The District Programme Officer (Establishment), Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.
For the Respondent/s : Mr.Narendra Kumar, AC to G.P.20
For the Board : Kumari Sujata Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-07-2024 Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present writ application has been filed for quashing the order/resolution contained in Memo No.798 dated 09.09.2020 issued under the signature of Deputy Secretary, Education Department, Bihar, Patna whereby and where under petitioners and others have been granted only fixed salary in new rate under new pay structure w.e.f. 05.03.2019 which is violative and contrary to the Hon'ble Court's judgment/order dated 27.03.2019 passed in CWJC No.985/2015 and other analogous cases and further for quashing the order bearing letter no.135 dated 11.02.2021 issued by the Special Director (Secondary Education) by which it has been directed to all the District Education Officers/District Programme Officers not to fix pay of petitioners as well as those teachers who have been appointed after 15.02.2011 till the disposal of Civil Review No.295/2019 and after quashing the above said orders dated



09.09.2020 and 11.02.2021. Respondents be further directed to grant the benefit of 6th and 7th revised pay scale to the petitioners along with arrears of salary with effect from the due date in the light of the Hon'ble Court's judgment/order dated 27.03.2019 passed in CWJC No.985/2015 and CWJC No.15299/2015 and to grant any other consequential benefits to the petitioners in accordance with law.

3. Learned counsel for the petitioners submits that the case of the petitioners is similar to the order passed in CWJC No.985/2015 dated 27.03.2019. He further submits that regarding grant of 6th pay revision, the matter has already been decided by this Court in LPA No.43 of 2016 dated 13.08.2019.

4. Considering the aforesaid facts and circumstances, the orders contained in Annexure-2 dated 31.08.2013, Annexure-5 dated 09.09.2020 and Annexure-6 dated 11.02.2021 are hereby quashed.

5. The petitioners are also directed to file their representation for redressal of their grievance before the respondent nos.7 to 10 within a period of four weeks and the respondent nos.7 to 10 are well advised to pass reasoned and speaking order, after hearing the petitioners or their counsel within a period of two months from the date of receipt of such



representation.

6. With the aforesaid directions, the present writ application is disposed of.

(Anjani Kumar Sharan, J)

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