

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7012 of 2023

Nutan Kumari Wife of Brajesh Kumar Singh, Resident of 1 Uzna Apartment,
Boring Canal Marg, Near Himgiri Apartment, Anandpuri P.S.- Budha Colony,
District- Patna at Present Assistant Teacher Bhartiya Aadarsh Sanskrit
Primary School, Barawan, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar,
Patna.
- 3 . The Deputy Secretary, Education Department, Bihar, Patna.
4. The Special Director, (Secondary Education), Bihar, Patna.
- 5 . The Chairman, Sanskrit Education Board, Patna.
6. The Secretary, Bihar Sanskrit Education Board, Patna.
7. The District Education Officer, Rohtas.
- 8 . The District Programme Officer, (Establishment), Rohtas.
9. The Managing Committee of Bhartiya Aadarsh Sanskrit Primary School,
P.S.- Nokha, District- Rohtas through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar , Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (Gp23)
For the BSEB	:	Mr. Shashank Shekhar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-11-2024 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
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 petitioner along with 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 Courts judgment/order dated 27.03.2019 passed in CWJC No. 985 of 2015 and another analogous cases and after quashing the abovesaid resolution no. 798 dated 09.09.2020 respondents further be directed to grant the benefit of 6 (th) and 7 (th) revised pay scale to the petitioner along with arrears of salary in revised pay scale w.e.f. the date of appointment i.e. 10.04.2013 in the light of the Hon'ble Courts judgment/order dated 27.03.2019 passed in CWJC No. 985 of 2015 and CWJC No. 15299 of 2015 and to grant any other consequential benefits to the petitioner accordance with the law .

3. The case of the petitioner is that he was appointed as an Assistant Teacher in Bharitya Aadarsh Sanskrit Primary School Baraown , Nokha (Rohtas) vide appointment letter dated 14.03.2013 and his appointment was approved by the Bihar Sanskrit Education Board, Patna on 10.04.2013 . It is contended by learned counsel for the petitioner that with the respondents coming out with notification no.688 dated 4.9.2013 whereby as per Clause 5(ja) teachers appointed after 15.2.2011 would not be getting salary but fixed pay, would adversely impact the petitioner and hence the writ application .



4. It may be stated here that the notification dated 31.8.2013 by which the petitioner is affected was the subject matter in ***CWJC no.985 of 2015 (Imran Alam & Anr vs. the State of Bihar & Ors)***. A Division Bench of this Court vide order dated 27.3.2019 was pleased to allow the said writ application holding that the impugned resolution dated 31.8.2013 cannot apply in case of those who have been appointed prior to 31.8.2013 .

5 . Learned counsel appearing for the State of Bihar submits that a Civil Review application was preferred against the judgment dated 27.3.2019 passed in CWJC no.985 of 2015, however the same was dismissed for non-prosecution. A restoration application has been filed and the same is still pending.

6. The petitioner having been appointed in the year 2013 , in view of the judgment of Division Bench of this Court in the case of Imran Alam (supra), nothing remains in the instant writ application. As held therein the resolution dated 31.8.2013 would not be applicable in the case of the petitioner.

7. In case the petitioner has been paid fixed pay as contemplated in the resolution dated 31.8.2013, the consequential difference of salary shall be paid to the petitioner



by the respondent concerned within a period of four months
from the date of receipt of a copy of this order.

8 . The writ application stands allowed.

(Prabhat Kumar Singh, J)

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