

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11286 of 2014

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1. Yogendra Dutt Ojha , son of late Brijnandan Ojha, resident of Phuwari, P.S. Sandesh, District – Bhojpour.
 2. Mritunjay Kumar, son of Sri Meghnath Sharma, resident of Village – Dilawarpur, P.S.- Bihta, District – Patna
 3. Ranjeet Kumar, son of Sri Dinesh Sharma, resident of village Sidhipur, P.S.- Paliganj, District – Patna., All Assistant Teacher of Nimbarak Krishna Madhwanand Sanskrit School Dhanamath, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Human Resources, Development Department, Bihar, Patna.
2. The Special Director, Secondary Education, Bihar, Patna
3. The Bihar Sanskrit Education Board, Boring Canal Road, Patna through its Secretary.
4. The Chairman, Bihar Sanskrit Education Board, Boring Canal Road, Patna
5. The District Education Officer, Patna
6. The District Programme Officer, Patna
7. The Secretary of the Managing Committee of Nimbarak Krishna Madhwanand Sanskrit High School, Dhanamath, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Respondent/s : Mr.Satyam Shivam Sundaram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 05-07-2024 1. The petitioners have filed the present writ application for a direction to grant the pay scale for the post of Sanskrit Teacher in view of the fact that the School of the petitioners was recognized prior to 15.02.2011.
2. As per the case of the petitioners they were appointed on the post of Assistant Teachers in Nimbarak Krishna Madhwanand Sanskrit High School, Dhanamath, Patna run by the Managing Committee *vide* appointment letter dated



23.07.2012, which was approved by the Bihar Sanskrit Shiksha Board on 03.10.2012.

3. Learned counsel for the petitioners submits that the School in question was recognized way back in 1989 i.e. prior to 15.02.2011. The Government of Bihar came out with resolution no. 970 dated 31.08.2013 whereby the scheme of fixation of pay to the teaching / non teaching staff of 531 recognized Sanskrit Schools has been approved. Learned counsel relies upon Division Bench judgments of this Court passed in C.W.J.C. No. 985 of 2015, C.W.J.C. No. 15299 of 2015 & analogous cases and C.W.J.C. No. 24523 of 2018 and submits that Division Bench of this Court taking note of the resolution dated 31.08.2013 has held that resolution dated 31.08.2013 cannot be made applicable in the case of those who have been appointed prior to 31st August, 2013 and quashed the impugned action of the authority converting the pay scale of the petitioners of the aforesaid writ applications who were teachers of Sanskrit / Madarsa Schools which were recognized prior to 15.02.2011.

4. Learned counsel State as well as Board submit that in the light of judgments of Division Bench passed by this Court, the petitioners may submit representation before the District



Education Officer, Patna who will examine the entire facts including the judgments passed by this Court and take a final decision with regard to grant of pay scale to the petitioners in accordance with law.

5. Having heard learned counsel for the parties and taking into consideration the materials on record, I feel it expedient that in the facts of this case it is necessary to permit the petitioners to file a representation before the the respondent no. 5 / District Education Officer, Patna within a period of four weeks from today with further direction to the D.E.O., Patna to dispose the representation of the petitioners in accordance with law after considering the entire facts and judgments passed by this Court within a period of three months from the date of submission of representation by the petitioners.

6. With the aforesaid observation and direction, this application is disposed of.

(Anil Kumar Sinha, J)

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