

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9200 of 2019

Chandreshwar Prasad Thakur S/o Late Dina Thakur Resident of Village-Simra,P.S. Piyaar,Dist.-Muzaffarpur retired Head Maaster,Shri Krishna Sanskrit Madhyamic Vidyalaya Simra,Dist.-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Department of Education,Bihar,Patna
2. The Special Director, Secondary Education,Bihar,Patna
3. The Chairman, Bihar Sanskrit Shiksha Board Bihar,Patna
4. The Secretary, Bihar Sanskrit Shiksha Board Bihar,Patna
5. The Managing Committee through its Secretary,Shri Krishna Sanskrit Madhyamic Vidyalaya Simra Muzaffarpur
6. The District Education Officer, Muzaffarpur
7. The District Programme Officer, Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)
For the Respondent No.4: Mr. Ram Niwash Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 16-02-2024

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar Sanskrit Shiksha Board Bihar, Patna.

2. The petitioner has prayed for following reliefs:

“That this is an application for issuance of an appropriate writ order or direction for quashing the order dated 04.08.2018 passed by the District Education Officer, Muzaffarpur Respondent No. 6 issued under Memo No. 2054 as contained in



Annexure 9 whereby and whereunder the prayer of the petitioner to make payment of his due salary of Head Master with effect from 03.08.2013 to 28.02.2015, In view of the direction given by this Hon'ble Court in CWJC No. 8827 of 2016 dated 13.03.2018 by which a direction was given to the Respondent NO. 6 the District Education Officer Muzaffarpur to examine the claim of the petitioner for payment of salary from 03.08.2013 to 28.05.2015 and necessary order of payment must be passed within a period of sixty days from receipt and production of the copy of this order, has been rejected in perfunctory manner without giving any opportunity of hearing to the petitioner and without considering the documents filed by the petitioner in support of his claim and as such the impugned order has been passed in violation of principles of natural justice and thus the action of the Respondent is not sustainable in law and this vitiated."

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Assistant Teacher by the then Managing Committee on 05.07.1976, which was approved by Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, vide memo no. 335 dated 05.07.1981 and salary was to be paid with effect from 01.04.1980. The petitioner was working as the Assistant Teacher since 01.04.1980 to 31.03.1994 and got his salary for the same. The petitioner was promoted on the post of Headmaster, as being the senior most



teacher in the school, by the Special Director Secondary Education, Bihar, Patna, by his order dated 06.04.1994 in which it is mentioned therein that the Headmaster of the School, Rama Kant Mishra has retired and the petitioner is promoted on the post of Head Master. Afterwards the promotion of the petitioner was cancelled by the DEO, Muzaffarpur by order dated 21.12.1995 against which the petitioner filed C.W.J.C. No. 1672 of 1996 before this Court for quashing the same, which was disposed of on 19.11.1996, directing the petitioner to file representation before the Chairman of the Sanskrit Shiksha Board.

4. Learned counsel for the petitioner further submits that, thereafter, the petitioner filed representation before the Chairman of the Sanskrit Shiksha Board in pursuance of the aforesaid order of the this Court and the Board. After hearing the parties, allowed the application filed by the petitioner by order dated 25.01.1998, by holding that the petitioner is the Senior Most Teacher of the School, having requisite qualification for the post of Headmaster then after such the petitioner was given promotion on the post of Headmaster of the School. He further held that the petitioner is entitled to get salary of the Headmaster from the date of his joining in the



School as Headmaster that is with effect from 09.04.1994 and direction was given to authority pay his salary and a direction was also given to the appropriate parties to hand over the charge of Headmaster.

5. Learned counsel for the petitioner further submits that the petitioner has filed an application before the District Programme Officer, Muzaffarpur, with regard to payment of salary of the post of Headmaster on 27.02.2015, stating therein that the salary of the petitioner is due from 03.08.2013 to 28.02.2015. Now, the petitioner has retired from the post of Head Master on 28.02.2015.

6. Learned counsel for the Bihar Sanskrit Shiksha Board has filed a supplementary counter affidavit stating therein that there are certain documents which show that the petitioner had worked during the relevant period in the school. The documents manifest that the petitioner had worked in the school from 03.08.2013 to 28.02.2015.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, in my opinion it is admitted, that the petitioner had worked in the school from 03.08.2013 to 28.02.2015.

8. Accordingly, the concerned respondent is directed



to pay the salary of the petitioner from 03.08.2013 to 28.02.2015 within a period of three months from the date of receipt/production of a copy of this order. If the same is not paid within a period of three months, the same will carry interest at the rate of 6% from the date of 03.08.2013 to the date of actual payment. It is made clear that respondents no. 3, 4 and 5 shall be liable for non-compliance of this order.

8. With the aforesaid observations and directions, this writ petition stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2024
Transmission Date	NA

