

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8540 of 2016

1. Bishwa Dev Bhattacharya (Clerk) Son of Sri Jata Bhushan Bhattacharya Resident of Village- Gurudham Bausi, P.O. and P.S Bausi, District Banka.
2. Gauri Shankar Poddar (Peon) son of Sri Ram Chandra Poddar Resident of Village- Gurudham Bausi, P.O. and P.S Bausi, District Banka. Both are working as Clerk and Peon in Shyama Charan Pith Sanskrit Prathamik Sah Madhyamik Vidyalay, Gurudham Bausi, Po. and P.O Bausi, Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Cum Commissioner, Human Resources Development Department, Government of Bihar, Patna
3. The Additional Secretary, Human Resources Development Department Government of Bihar, Patna.
4. The Secretary cum Commissioner, Finance Department Government of Bihar, Patna.
5. The Special/Deputy Director (In-Charge Sanskrit) Primary Secondary and Adult Education Government of
6. The Bihar Sanskrit Shiksha Board through its Secretary, East Boring Canal Road Patna.
7. The District Education Officer, Banka.
8. The Managing Committee through its Secretary, Shyama Charan Pith Sanskrit Prathamik Sah Madhyamik Vidyalaya, Gurudham Bausi, PO&PS-Bausi, Dist-Banka
9. The Head Master of Shyama Charan Pith Sanskrit Prathamik Sah Madhyamik Vidyalay, Gurudham Bausi, PO&PS-Bausi, Dist-Banka

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Purushottam Jha, Advocate
	:	Mr.Vikash Kr. Jha, Advocate
For the Respondent/s	:	Mr.Ravindra Kumar, AC to AAG 6
For BSSB	:	Mr.Shashank Shekhar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 10-09-2024 1. Heard learned counsel for the parties concerned.

 2. The petitioners, who claimed to be working in

Shyama Charan Pith Sanskrit Prathamik Sah Madhyamik

Vidyalay, Gurudham Bausi, Dist-Banka, have filed the present



writ application commanding the respondents to make payment of entire arrears and current salary to them w.e.f. 01.04.1990 till date as they have been working as Clerk and Peon, respectively against the sanctioned post, in compliance of the judgment of this Court dated 14.03.2014, passed in C.W.J.C. No. 16598 of 2007 and C.W.J.C. No. 15599 of 2008.

3. Learned counsel for the petitioners submits that the present case is fully covered by the judgment and order dated 14.03.2014, passed in C.W.J.C. No. 16598 of 2007 and analogous case. The operative portion of the judgment has been quoted hereinbelow :-

“ 35. In the result, both the applications are allowed only in part and the impugned order dated 27.07.2006 (Annexure 17 to C.W.J.C. No. 18598 of 2007) is hereby quashed with a consequential direction for payment of salary to the petitioners only with effect from 27.07.2006. At the cost if repetition, it is made clear that the petitioners will not be entitled for payment of arrears of salary for the period 01.04.1990 till 26.07.2006 both on account of delay as also earlier orders of this Court. Such payment of salary, therefore, from 27.07.2006 only to the petitioners must be made within a period of three months from the date of receipt of this order by the respondents. There would be, however, no



order as to costs.”

4. Learned counsel for Bihar Sanskrit Shiksha Board submits that it is true that the case of the petitioners is covered by the aforesaid judgment but the State has preferred Special Leave Petition bearing S.L.P. (Civil) No. 9390 of 2019 against the said judgment.

5. Learned counsel for the State submits that any claim of the petitioners shall be subject to final outcome of the S.L.P. and proof of their actual working in the concerned School.

6. Learned counsel for the parties agreed that no interim order has been passed in the aforesaid Special Leave Petition.

7. In view of the aforesaid submissions, this writ application is disposed, exactly in terms of the order dated 14.03.2014, passed in C.W.J.C. No. 16598 of 2007 and analogous case. This order, however, shall be subject to the final outcome of the Special Leave Petition, pending before the Hon'ble Supreme Court.

(Anil Kumar Sinha, J)

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