

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11623 of 2013

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1. Naresh Chandra Pathak S/O Sri Ugant Pathak Resident Of Village Karian, P.S. Rosera, Distt. Samastipur At Present Incharge Headmaster Udaian Sanskrit High School, Karian In The District Of Samastipur
 2. Bala Kant Choudhary Son Of Late Anup Narayan Choudhary Resident Of Village Phulhara, P.S. Sighia, Distt. Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Human Resource Development Department, Bihar, Patna
2. Deputy Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
4. The Bihar Sanskrit Education Board, Patna Through Its Secretary
5. The Chairman, Bihar Sanskrit Education Board, Patna.
6. The Secretary, Bihar Sanskrit Education Board, Patna
7. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga Through Its Registrar
8. The Vice Chancellor, Kameswar Singh Darbhanga Sanskrit University, Darbhanga
9. The Special Director Secondary Education, Bihar, Patna
10. The District Education Officer, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Tara Nath Jha, Advocate Mr. Murlidhar Mishra, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, G.P.2

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 16-01-2024

1. The petitioners have filed the instant application

for the following relief:

“1. That this is an application for issuance of a writ in the nature of mandamus directing the respondents to grant the equal payment of salary dearness allowances and other financial benefits to the petitioners being a recognised non



Government Sanskrit School Teachers equal to the Government School Teachers in the State of Bihar in Pursuant to the resolution as issued under its memo no. 237 dated 20.2.1990 under the signature of respondent no. 2 and further for issuance of an appropriate writ/order/direction directing to fix the pay scale of the petitioners in pursuant to said resolution to make the payment of the difference of dues/current salary, dearness allowances and other financial benefit to the petitioner, with revised pay scale at par and equal to the Government General Schools Teachers in the light/in the pursuant to resolution as referred above and on its implementation in accordance with law.”

2. Bereft of unnecessary details, it is submitted by learned counsel for the petitioners that the case of the petitioners are fully covered by and be disposed of in terms of the judgment of this Court in the case of Baidyanath Jha versus State of Bihar & Ors. reported in 2020(3)PLJR 848 and similar relief be granted as has been granted to the petitioners therein.

3. Having heard learned counsel for the petitioners, this Court was pleased to pass order dated 19.12.2023 directing the Principal Secretary, Human Resources Development Department, Government of Bihar to file an affidavit categorically stating as to whether the case of the petitioners is covered by the aforesaid judgment and whether any appeal has been preferred against the same. The order dated 19.12.2023 is



extracted hereinbelow:

“1. On the previous date it was submitted by learned counsel for the petitioners that the case of the petitioners in the instant case is covered by and could be disposed of in the light of the judgment in the case of Baidyanath Jha & Ors. Versus State of Bihar & Ors. reported in 2020(3)PLJR849. Time was granted to learned counsel for the State to go through the said judgment.

2. Learned counsel for the respondents submits that though prima facie it appears that the case of the petitioners is covered by the aforesaid judgment, however he has no instructions as to whether the respondents-State of Bihar has filed any appeal or not against the said judgment.

3. Let the Principal Secretary, Human Resources Development Department, Government of Bihar, respondent no.3 file an affidavit categorically stating as to whether the case of the petitioners is covered by the aforesaid judgment and also as to whether any appeal has been preferred and if any appeal has been filed, the result thereof. The affidavit be filed by 10.1.2024.

4. Put up this case on 16.1.2024.”

4. Learned counsel for the petitioners submits that a supplementary counter affidavit has been filed on behalf of the respondent no.3 and sworn by the Incharge Additional Chief Secretary, Education Department, Government of Bihar. Paragraph nos. 14 and 15 of the said affidavit is reproduced hereinbelow for ready reference:



“14. That so far as the query made by this Hon'ble Court as to whether any appeal is pending in this case, in this context, it is humbly stated that at present there is no appeal pending in this case. In fact a Civil Review bearing Civil Review No. 151/2021 was filed in this case which has already been dismissed on 15.05.2023 considering the fact that an S.L.P had already been dismissed by the Hon'ble Apex Court on the ground of inordinate delay in filing the said appeal.

A Photocopy of order dated-15.05.2023 passed in Civil Review No. 151/2021 is being annexed herewith and marked as Annexure-R/4 to this Counter Affidavit.

15. That so far as the query made by this Hon'ble Court as to whether the case of the Petitioner is covered by the judgment delivered in LPA No. 43/2016 (Baidyanath Jha Vs. The State of Bihar & Ors.) reported in 2020 (3) PLJR 849 or not. It is humbly stated that the case of the Petitioner is covered from the aforesaid judgment.”

5. Having heard learned counsel for the parties and specially in view of the statement made in the supplementary counter affidavit filed on behalf of the respondent no.3 sworn by the Incharge, Additional Chief Secretary, Education Department as reproduced hereinabove, this application stands disposed of in similar terms as in the case of Baidyanath Jha (supra). The petitioners herein would be entitled to similar relief as granted to the petitioners of Baidyanath Jha (supra).



6. This writ application stands disposed of.

(Partha Sarthy, J)

Bibhash

AFR/NAFR	
CAV DATE	
Uploading Date	19.1.2024
Transmission Date	

