

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14093 of 2016

Rajnish Pandey son of Shri Sidheshwar Nath Pandey resident of Village and P.O.- Chandi Asthan, P.S.-Govindganj, District- East Chaparan, Presently Working as Clerk in Sri Someshwar Nath Sanskrit High School, Areraj, P.S.- Govindganj, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chairman, Bihar Sanskrit Siksha Board, Patna
3. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
4. The District Education Officer, East Champaran Motihari
5. The District Programme Officer Establishment, East Champaran Motihari
6. The Headmaster, Sri Someshwar Nath Sanskrit High School, Areraj, P.O.- Areraj, P.S.- Govindganj, Di
7. The Joint Secretary, Education Department, Govt. of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Pandey
	:	Mr. Binay Kant Mani Tripathi
For the Respondent/s	:	Smt. Shilpa Singh- Ga12
	:	Ms. Namrata Singh (Ac to Ex Ga 12)
For the BSSB	:	Mr. Shashank Shekhar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 23-07-2024 1. Heard the parties.
2. Learned counsel for the petitioner submits that the petitioner is aggrieved by the order dated 14.06.2016 and 29.07.2016 at Annexure 1 and Annexure 2 by which the petitioner was directed to deposit the excess amount of Rs. 1,53,780/- which was paid to the petitioner as salary in view of notification of the Government dated 31.08.2013. He relies upon the Division Bench judgment



of this Court in C.W.J.C. 985 of 2015 in which the notification of the State Government dated 31.08.2013 was under challenge and this Court held that impugned resolution dated 31.08.2013 cannot apply in the case of those who have been appointed prior to 31st August, 2013. The petitioner was appointed as Clerk on 31.05.2013 i.e., prior to the coming into force the impugned notification. Accordingly, submission is that the case of the petitioner is covered by the aforesaid order of the Division Bench and subsequent orders passed from time to time in this regard.

3. Learned counsel for the Board as well as State agrees that the case of the petitioner is covered by the Division Bench judgment of this Court.
4. In view of the submissions made on behalf of the parties and taking into consideration the judgment passed by Division Bench of this Court, the impugned order dated 14.06.2016 and 29.07.2016 at Annexure 1 and Annexure 2 are not sustainable and the recovery from the petitioner towards the salary paid to him is not sustainable, accordingly, impugned order dated 14.06.2016 and 29.07.2016 at Annexure 1 and Annexure 2 are set aside.



5. Accordingly, the present writ application is disposed with
the aforesaid observation.

(Anil Kumar Sinha, J)

HarshPandey/-

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