

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10601 of 2024

1. Nand Kumar Jha, son of Late Jyotindra Jha, Resident of village- Bardaha Ward no. 03, P.S- Babubrarhi, District- Madhubahi.
2. Sakun Devi wife of Late Chakradhar Jha, Resident of village- Bardaha, P.S- Babubarhi, District- Madhubani.
3. Manju Devi, wife of Late Sahdev Mishra, Resident of village Bardaha Ward no. 4, P.S- Babubarhi, District- Madhubani
4. Godvari Devi, wife of Late Suvansh Mishra, Resident of village- Parsa Kulhariya, Ward No. 7, P.S- Babhbarhi. District- Madhubani.
5. Tripura Dai Devi wife of Late Lutan Mishra, Resident of village- Bardaha Ward no. 3, P.S- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary Education Department Govt. of Bihar, Patna.
2. The Bihar Sanskrit Shiksha Board, Patna through its Secretary.
3. The Administrator cum Chairman of Bihar Sanskrit Shiksha Board, Patna.
4. The Secretary of Bihar Sanskrit Shiksha Board, Patna.
5. The District Education Officer, of Madhubani.
6. The District Programme Officer, Education Department (Establishment) of Madhubani district.
7. The Headmaster of Sanskrit Bal Vikash Mandir Bardaha, of Babubarhi block under Madhubani district.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Jha, Advocate
For the Respondent/s	:	Mr. M. N. H. Khan, SC- 1 Md. Harun Quareshi, AC to SC-1
For the Board	:	Mr. S.S. Sundram, Advocate Mr. Chandra Shekhar Kumar Singh, Advocate Mr. Ankit, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 22-10-2024

Heard the parties.

2. The petitioners are either retired Headmasters/

Assistant Teachers of different schools and/or their legal heirs,



have approached this Court by filing the present writ petition seeking a direction upon the respondents to provide the remaining dues of arrears of differential amounts of 5th, 6th and 7th revised pay scale of the petitioners with statutory interest since January, 1986 to the date of their retirement in view of judgment dated 13.08.2019 passed by the learned Division Bench of this Court in L.P.A. No. 43 of 2016 along with other analogous appeals. The petitioners also sought a direction to the authorities concerned to provide the dearness allowances and the deducted amounts deposited in their GPF accounts with statutory interest, as has been granted to other similarly situated person in C.W.J.C. No. 11156 of 2017.

3. Adverting to the facts narrated in the writ petition, learned Advocate for the petitioners contended that the issue with regard to the eligibility of the arrears of differential amount of 5th and 6th revised pay scale along with dearness allowance stood settled by the learned Division Bench of this Court in L.P.A. No. 43 of 2016 along with other analogous appeals. However, despite the issue being settled, till date the petitioners have not been accorded their respective financial benefits, compelling them to approach before this Court.

4. A counter affidavit has been filed on behalf of



respondent nos. 1 and 2. In the counter affidavit, categorical averment has been made that the issue raised before this Court has already set at rest in L.P.A. No. 43 of 2016 by holding that the teaching and non-teaching employees of the Non-Government recognized aided Sanskrit Schools are not entitled for pensionary benefits etc., however, the Court held and directed to ensure payment of the benefits of 5th and 6th pay revision as that of Government School teachers.

5. In compliance of the judgment rendered by the learned Division Bench of this Court, the Education Department had issued Resolution No. 1204 dated 01.08.2023, by which a decision was taken to grant benefits of 5th and 6th pay scale from the date the teachers of Government school have been granted. A sum of Rs. 19.5 Arab was made available. However, it was found that there was no uniformity in pay fixation at the district level and thus a Pre-Audit Cell is constituted at the departmental level with an objective to make the pay fixation transparent and effective. The Pre-Audit Cell shall examine the resolution/circular of the Government and thereupon the same will be returned to the office of the District and accordingly the District office shall prepare the pay bill and ensure payment after verification of the same.



6. Learned Advocate for the petitioners, at this stage, has drawn the attention of this Court that in identical matter, the learned coordinate Bench of this Court in C.W.J.C. No. 7872 of 2023 vide its judgment dated 08.08.2023 directed the petitioner to file representation before the District Programme Officer (Establishment), Madhubani with respect to the relief sought for and in case such representation is filed, the District Programme Officer (Establishment), Madhubani shall consider the same and ensure payment of admissible dues.

7. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties, this Court deems it fit and proper to dispose of the writ petition in terms of the direction issued by the learned coordinate Bench of this Court in C.W.J.C. No. 7872 of 2023.

8. In case, the petitioners file representation stating their claim, the same shall be considered by the District Education Officer, Madhubani preferably within a period of twelve weeks from the date of receipt/production of a copy of this order and ensure payment of differential amount as well as dearness allowance along with all admissible dues in terms of the order passed by the learned Division Bench of this Court in L.P.A. No. 43 of 2016.



9. The writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.10.2024
Transmission Date	NA

