

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17479 of 2014

1. Dhirendra Kumar Singh son of Sri Birendra Singh, Resident of Village and P.O.- Kumari Gola, P.S.- Dhamdaha, District- Purnea
2. Ashok Kumar Singh Peon son of Sri Yadunandan Singh, Resident of Village and P.O.- Kumari Gola, P.S.- Dhamdaha, District- Purnea. Both are working as a clerk and Peon respectively in the Bhagwati Ganesh Sanskrit Madhyamik Vidyalaya, Kumarigola, P.S.- Dhamdaha, District- Purnea

... .. 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 Bihar, Patna
6. The Bihar Sanskrit Shiksha Board, through its Secretary, East Boring Canal Road, Patna
7. The District Education Officer, Purnea
8. The Managing Committee through its Secretary, namely Bhagwati Ganesh Sanskrit Madhyamik Vidyalaya, null Kumarigola, P.S.- Dhamdaha, District- Purnea
9. The Headmaster of Bhagwati Ganesh Sanskrit Madhyamik Vidyalaya, Kumarigola, P.S.- Dhamdaha, District- Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

Mr.Purushottam Jha

For the Respondent/s : Mr.Sc6- Manindra Kishore Singh

For Bihar Sanskrit Shiksha Board: Mr. Satyam Shivam Sundaram, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

12 27-06-2024

1. Heard the parties.

2. The petitioner has filed the present writ application for



the following reliefs:-

“(i) For issuance of a writ in the nature of writ of mandamus, directing and commanding the respondents to make payment of entire arrear and current salary to the petitioners w.e.f. 01.04.1990 to till date against their work done as a clerk and peon against sanctioned post in the Non Government Recognized Aided Sanskrit High School namely Bhagwati Ganesh Sanskrit Madhyamik Vidyalaya, Kumarigola, P.S.- Dhamdaha, District-Purnea in compliance with the judgment of this Hon’ble Court dated 14.03.2014 passed in CWJC No. 16598/2007 with CWJC No. 15599 / 2008.

(ii) For issuance of any other consequential writ / order / direction for which the petitioners are entitled to under the facts and circumstance of the case”

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 cases. Operative portion of the same is 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. 18598/2007) is hereby quashed with a consequential direction for payment of salary to the petitioners only with effect from 27.7.2006. At the cost of repetition it is made clear that the petitioners will not be entitled for payment of arrears of salary for the period 1.4.1990 till 26.7.2006 both on account of delay as also earlier orders of this Court. Such payment of salary, therefore, from 27.7.2006 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 the respondent / 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 S.L.P. bearing S.L.P. (Civil) No. 9390 of 2019.

5. It is admitted that no interim order has been passed in the aforesaid S.L.P. and the petitioners submit that State is only taking adjournments before the Hon’ble Supreme Court.

6. In view of the aforesaid submissions, the present writ application is disposed exactly in terms of the order dated 14.03.2014 passed in C.W.J.C. No. 16598 of 2007 (Annexure-18). However, this order shall be subject to the final outcome of the S.L.P. pending before the Hon’ble Supreme Court.

(Anil Kumar Sinha, J)

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