

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13099 of 2024

=====

Gopal Jha Son of Shri Indra Narayan Jha Resident of Village- Balani Mehath,
Police Station- Bhairav Sthan, District- Madhubani.

... .. Petitioner/s

Versus

- 1 . The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna.
- 2 . The Principal Secretary, Department of Education, Government of Bihar, Patna.
- 3 . The Joint Secretary, Education Department, Bihar, Patna.
- 4 . The Special Director, Secondary Education, Bihar, Patna.
- 5 . Bihar Sanskrit Shiksha Board, Patna through its Secretary.
- 6 . The Chairman, Bihar Sanskrit Shiksha Board, Patna.
- 7 . The District Education Officer, Madhubani.
- 8 . The District Programme Officer, Establishment, Madhubani.
- 9 . The Managing Committee of Baujan Radha Krishna Sanskrit Prathmik Sah Madhya Vidyalaya, Shankerpur, Madhubani through its Secretary Mukund Kumar Jha.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Jha, Advocate
For the Respondent/s	:	Mr. Government Pleader (24)
		Mr. S. S. Sundaram, Advocate
		Mr. Chandra Shekhar Singh, Advocate
		Mr. Ankit , Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-11-2024 Heard the parties.

2. This writ petition has been filed for the following

reliefs:-

*(i) Issuance of a Writ in the nature of
Certiorari to quash Memo No. 3390 dated
09.07.2015 issued by the Secretary, Bihar
Sanskrit Shiksha Board Patna by which
direction has been given to all the District
Education Officer to implement the*



Resolution dated 31.08.2013 .

(ii) Issuance of a Writ in the nature of Certiorari to quash Clause 6 of the Resolution of the Education Department dated 31.08.2013 issued under the Signature of the Joint Secretary, Education Department, Bihar, Patna which says that "Posts which has fallen vacant after retirement of teaching and non-teaching employees working in 1128 Madaras and 531 non-government recognized Sanskrit Schools of different categories of the State, shall be treated to be automatically converted in the fix pay for grant by the Government with effect from 15.02.2011 and the grant shall be payable on the basis of calculation of pay fixed by the State Government for teaching and non-teaching employees appointed against all vacancies on or after 15.02.2011".

(iii) Issuance of a writ in the nurture of mandamus and/ or any other appropriate writ, order or direction directing and commanding the respondents to consider the claim of the petitioner in terms of the order dated 27.03.2019 passed in CWJC No. 985 of 2015 and analogous cases and CWJC No. 15299 of 2015 and analogous cases, order dated 19.11.2019 passed in CWJC No. 21063 of 2019 and order dated 20.07.2022 passed in CWJC No. 14 of 2022 and to make payment of arrear as well as current salary in the prescribed regular pay scale as per Rules and Regulations of the Government.

(iv) Issuance of a Writ in the nature of mandamus and/or any other Writ, order or direction directing and commanding the respondents to make payment of arrear as well as current salary



in the prescribed regular Pay Scale for which the teaching and non-teaching employees of the petitioner's School is entitled to as per the Rules and Regulations of the Government.

3. Learned counsel for the petitioner as well as learned counsel for the respondents are in agreement that the issue involved in this writ petition stands finally adjudicated by the Hon'ble Division Bench judgment of this court passed in CWJC No. 15299 of 2015 and analogous cases dated 27.03.2019 wherein Hon'ble Division Bench relied upon its earlier judgment passed in CWJC No. 985 of 2015 dated 27.03.2019 whereby it was decided that Memo dated 31.08.2013 will not be retrospective. It would be apposite to quote the judgment passed by the Hon'ble Division Bench in CWJC No. 15299 of 2015 dated 27.03.2019:

"These five writ petitions related to the claim of salary by such teacher who are appointed in Sanskrit Schools and who claim to have been recognized prior to 15.02.2011 and are amongst the 531 schools who were on the grant-in-aid list prior to the aforesaid date. These petitioners have also been deprived of the benefits to which they were entitled by the impugned resolution dated 31 August, 2013 which has already been quashed by us today to the extent indicated in our judgment in C.W.J.C. No. 985 of 2015 and, therefore, the petitioners



would also be entitled to the same benefits on the same terms"

4. In view of the above, the petitioner would be entitled to the regular pay scale as they were appointed as Sanskrit School Teachers, which was recognized prior to 15.02.2011.

5 . Accordingly, Memo No. 3390 dated 09.07.2015 issued by the Respondent No. 5 (Annexure-P/5) and Clause 6 of the Resolution dated 31.08.2013 are hereby, quashed.

6. This writ petition, is accordingly, allowed with all consequential benefits to the petitioner.

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

