

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13133 of 2024

Ashok Choudhary Son of Sri Kusheshwar Choudhary, Resident of Village-
Sahuriya, Police Station- Andhratharhi, 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 Bhola Nath Sanskrit Prathmik Sah Madhya Kanya Vidyalaya, Sahuriya through its Secretary Kapileshwar Choudhary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Jha, Advocate
For the Respondent/s	:	Mr. Government Advocate 10
		Mr. Manoj Kumar Yadav , AC to GA 10

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-12-2024 Heard the parties.

2. This writ petition has been filed for quashing Memo No. 3390 dated 09.07.2015 issued by the Respondent No. 5 (Annexure-P/5) whereby direction has been issued to all the District Education Officers to implement Resolution vide Letter No. 970 dated 31.08.2013 (Annexure-P/4) and for quashing Clause 6 of the aforesaid resolution which suggests that posts that have fallen vacant after retirement of the



employees shall automatically be converted in the fix pay for grant by the Government with effect from 15.02.2011, as also for commanding the respondents to consider the case of petitioner in terms of order dated 27.03.2019 passed in CWJC No. 985 of 2015 and analogous cases and make payment of arrears along with current salary as per the Rules.

3 . Learned counsel for the petitioner as well as learned counsel for the respondent/s 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.WJ.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)

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