

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6498 of 2015

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Raj Kumar Chowdhary S/o Ramanand Chowdhary, age 39 Yrs, Assistant teacher in Sri Ramlala Sarbdarshan Sanskrit Uccha Vidyalaya, Narghoghi, P.S.- Sarairanjan, Smastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Dept. of Education, Bihar, Patna
2. The Special Director, Secondary Education, Bihar, Patna.
3. The D.E.O Samastipur.
4. The D.P.O Samastipur.
5. The Secretary, Managing Committee, Sri Ramlala Sarbdarshan Sanskrit Uccha Vidyalaya, Narghoghi, P.S – Sarairanjan, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Pathak
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA7
		Mr. Abhinav Ashok, AC to GA 7
For the Respondent No. 5:		Mr. Satyam Shivam Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 30-04-2024 1. The petitioner has filed the present writ application for a direction to grant the pay scale for the post of “Sanskrit Teacher” in terms of the Government Resolution No. 970 dated 31.08.2013.

2. As per the case of the petitioner he was appointed on the post of “Clerk” in the Sri Ramlala Sarbdarshan Sanskrit Uccha Vidyalaya, Narghoghi, P.S.- Sarairanjan, Samastipur run by the Managing Committee *vide* its letter no. 8 dated 06.06.1998 where the petitioner joined on 01.07.1998. The petitioner



enhanced his qualification in the year 2009 and requested the Managing Committee to promote him on the post of Assistant Teacher which had fallen vacant due to superannuation of one Shiv Prasad Kunwar, Assistant Teacher in the said School.

3. The Managing Committee considered the application made by the petitioner and through Resolution No. 2 dated 30.09.2012 the petitioner was appointed / promoted / adjusted on the vacant post with effect from February, 2008. According to the petitioner the promotion of the petitioner on the post of Assistant Teacher has been approved by the Chairman of the Board *vide* its Memo No. 387 dated 04.02.2013 in the pay scale of Rs. 1400-2600/-.

4. Learned counsel for the petitioner submits that the School in question was recognized way back in 1940 i.e. prior to 15.02.2011. The Government of Bihar came out with resolution no. 970 dated 31.08.2013 whereby the scheme of fixation of pay to the teaching / non teaching staff of 531 recognized Sanskrit Schools has been approved. In terms of the said resolution the petitioner made an application before the District Programme Officer, Samastipur for fixation of his pay scale along with relevant documents of his appointment and promotion on the post of Assistant Teacher. No order on the application / request



of the petitioner has been passed by District Programme Officer, Samastipur.

5. Learned counsel relies upon Division Bench judgments of this Court passed in C.W.J.C. No. 985 of 2015, C.W.J.C. No. 15299 of 2015 & analogous cases and C.W.J.C. No. 24523 of 2018 and submits the Division Bench of this Court taking note of the resolution dated 31.08.2013 has held that resolution dated 31.08.2013 cannot be made applicable in the case of those who have been appointed prior to 31st August, 2013 and quashed the impugned action of the authority converting the pay scale of the petitioners of the aforesaid writ applications who were teachers of Sanskrit / Madarsa Schools which were recognized prior to 15.02.2011.

6. Learned counsel for the State as well as Board submit that representation of the petitioner is pending before the D.P.O., Samastipur and the D.P.O., Samastipur may be directed to examine the entire facts including the judgments passed by this Court and take a final decision with regard to grant of pay scale of the petitioner in accordance with law.

7. Having heard learned counsel for the parties and taking into consideration materials on record, I feel it expedient that in the facts of this case it is necessary to permit the petitioner



to file a fresh representation before the respondent no. 4 /
D.P.O., Samastipur within a period of four weeks from today
with further direction to the D.P.O., Samastipur to dispose the
representation of the petitioner in accordance with law after
considering the entire facts and the judgments passed by this
Court within a period of three months from the date of
submission of the representation by the petitioner.

8. With the aforesaid observation and direction, the writ
application is disposed of.

(Anil Kumar Sinha, J)

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