

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14196 of 2024

1. Binita Kumari Wife of Late Shankar Prasad, C/o Mritunjay Kuamr, New Gosaitola, Gola Road, Near Dr. D. Ram, D.A.V. School Danapur, P.S.- Danapur, District- Patna, Assistant Teacher in Vidhya Sagar Ashmarak Sanskrit High School Karngadh, Bhagalpur.
2. Shibesh Kumar Ishwar, son of Ram Udit Ishwar, resident of Village- Maranchi Kalan, Near Madhya Vidyalaya, Ward no.- 8, P.S.- Bachchwara, District- Begusarai, Assistant Teacher in Vidhya Sagar Ashmarak Sanskrit High School Karngadh, Bhagalpur.
3. Sanjay Sharma, son of Krishna Deo Sharma, resident of Abhyuday Ashram, P.S.- Amarpur Gopalpur, District- Banka, Assistant Teacher in Vidhya Sagar Ashmarak Sanskrit High School Karngadh, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Secretary, Department of Education, Government of Bihar, Vikash Bhawan, Patna.
2. The Special Director, Secondary Education, Incharge Sanskrit, Education Department, Government of Bihar, Vikash Bhawan, Patna.
3. The Bihar Sanskrit Shiksha Board, Bihar, Patna through its Secretary.
4. The Chairman, Bihar Sanskrit Shiksha Board, Bihar, Patna.
5. The Secretary, The Bihar Sanskrit Shiksha Board, Patna.
6. The District Education Officer, Bhagalpur, District- Bhagalpur.
7. The District Programme Officer, Establishment, Bhagalpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Suresh Kumar Ishwar, Advocate
For the State	:	Mr. Standing Counsel 16

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-10-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the
following relief/s:-

*“(i) For issuance of an appropriate writ, order, direction
in the nature of Mandamus for commanding and*



directing the respondents to declare the petitioners are regular teachers in the aforesaid school and further for a direction to the Respondents to make payment of their salary allowance and other service benefits to the petitioners as regular teacher in the aforesaid school.

(ii) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to make payment of all dues salary to the petitioners as regular Assistant Teacher in the aforesaid school for which petitioners are entitled under the law.

(iii) For issuance of any other reliefs for which petitioners may be found in the eyes of law.”

3. Learned counsels for the parties are in agreement that the issue involved in the present writ petition stands finally adjudicated vide judgment dated 27.03.2019 passed by the Division Bench of this Hon’ble Court in ***C.W.J.C. No. 15299 of 2015*** and connected petitions wherein the Division Bench has relied upon its earlier judgment passed in ***C.W.J.C. No. 985 of 2015*** decided on 27.03.2019 whereby the Memo, dated 31st August, 2013, filed by the respondents, was quashed. It would be apposite to quote the order passed by the Division Bench in ***C.W.J.C. No. 15299 of 2015***, which reads as follows:

“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 31st 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 the above facts and circumstances of above, this writ application is disposed of with a direction to the petitioners to file representation before the District Programme Officer, Establishment, Bhagalpur (Respondent No. 7) along with all the necessary documents and details in support of their claim, within a period of six weeks from today.

5. In the event the petitioners file their representation within the stipulated period, the District Programme Officer, Establishment, Bhagalpur (Respondent No. 7) shall examine the claim of the petitioners and dispose of their representation, in accordance with law, after hearing the parties, preferably within a period of three months from the date of filing of the representation. .

6. It is needless to say that in case the claim of the petitioners is found to be similar with that of petitioners in **C.W.J.C. No. 985 of 2015** and **C.W.J.C. No. 15299 of 2015** and



analog cases, the same benefits shall be extended to these petitioners.

(Prabhat Kumar Singh, J)

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