

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14442 of 2023

1. Dinesh Kumar Rai Son of Sri Hari Shankar Rai, Resident of village - Koreya, P.O.- Dubey Jigna, P.S.- Bhore, District - Gopalganj, Pin-841426.
2. Vidyanand Ram, Son of Sri Gauri Ram, Resident of village Bargaon, P.O. Bargaon, P.S.- Mairwa, District - Siwan, Pin-841239.
3. Purushottam Nath Pandey, Son of Narendra Deo Pandey, Resident of village - Hafua Balram, P.O. Tarya Lachhiram, P.S. Tarya Sujana, District - Kushinagar, Uttar Pradesh, Pin - 274409.
4. Sandhya Kumari, wife of Madhusudan Tiwari, Resident of Village-Ojhwalia, P.O. Jagarnath, P.S. Uchkagaon, District Gopalganj, Pin- 841438.
5. Sindhu Kumari, Wife of Nawanit Kumar Mishra, Resident of village Jait Narwaha, P.O. Narwaha Shukl, P.S. Gopalpur, District - Gopalganj, Pin-841503.
6. Puja Kumari, Wife of Abhishek Kumar, Resident of village - Koreya, P.O.- Jigna Dubey, P.S. - Bhore, District - Gopalganj, Pin-841426.
7. Dhiraj Kumar, Son of Late Binay Kumar Tiwari, Resident of village Ojhwalia, P.O. Jagarnath, P.S. - Uchkagaon, District Gopalganj, Pin 841438.
8. Ashwani Kumar, Son of Sri Rajiv Lochan Tiwari, Resident of village - Bhore, P.O. - Bhore, P.S. - Bhore, District- Gopalganj, Pin-841426.

... .. 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, Department of Education, Government of Bihar, Patna.
4. The Special Director, Secondary Education, Government of Bihar, Patna.
5. The Bihar State Sanskrit Shiksha Board, through its Secretary Patna.
6. The Chairman, Bihar State Sanskrit Shiksha Board, Patna.
7. The Secretary, Bihar State Sanskrit Shiksha Board, Patna.
8. The District Education Officer, Gopalganj.
9. The District Programme Officer, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv.
For the Respondent/s	:	Mr.Jitendra Kumar Roy 1, SC-13
		Mr. J.P. Kishore, A.C. to SC-13
		Mr. Satyam Shivam Sundaram, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL JUDGMENT
Date : 07-03-2024

Heard learned counsels for the parties.

2. The petitioners have prayed for following reliefs:

a) For issuance of order/orders, direction/directions or writ/writs in the nature of certiorari for quashing and setting aside the Clause 6 of the Resolution contained in Memo No. 970 dated 31.08.2013 issued by the signature of the Joint Secretary, Department of Education, Government of Bihar, Patna whereby it has been decided that the "Posts which has fallen vacant after retirement of teaching and non-teaching employees working in 1128 Madarsas and 531 non-government recognized Sanskrit Schools of different categories within the State of Bihar, shall be treated to be automatically converted in fix pay for grant by the State 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".

b) For issuance of a writ in nature of certiorari quashing the decision contained in Memo No. 1134 dated 18.07.2023 issued by the Joint Secretary, Department of Education, Government of Bihar whereby it has been



decided that to extend the benefits of salaries only to the writ petitioners of CWJC No. 17524 of 2018 and analogous cases who has been appointed as teaching and non-teaching employees in 531 Non-Government Recognised (grant-in-aid) Sanskrit Schools between 15.02.2011 to 31.08.2013 and they would be given the salaries benefits as provided to the teachers appointed prior to 15.02.2011.

c) For issuance of a writ in nature of certiorari quashing and setting aside the Resolution contained in Memo of No. 798 dated 09.09.2020 issued by the Deputy Secretary, Department of Education, Government of Bihar whereby and whereunder petitioners along with other similarly situated have been granted only fixed salaries in new rate under new pay structure with effect from 05.03.2019 which is violative and contrary to the order dated 27.03.2019 passed in CWJC No. 985 of 2015.

d) For issuance a writ in nature of Mandamus to hold and direct the respondent Authorities to treat/consider the present petitioners at par with the petitioners of CWJC No. 15299 of 2015 and analogous cases and make the payment of salaries and arrears in the prescribed regular/revised pay-scale, in accordance with rules, to the petitioners and in terms of the order dated 27.03.2019 passed in CWJC No. 985 of



2015 and order dated 27.03.2019 in CWJC No. 15299 of 2015 and analogous cases passed by this Court.

e) For issuance of such other order/orders, direction/directions, writ/writs which the petitioners may be entitled to in the facts and circumstances of the case.

3. At the very outset, learned counsel for the petitioners submits that the case of the petitioners is squarely covered with the judgment dated 27.03.2019 passed in C.W.J.C. No. 985 of 2015 and other analogous cases.

4. In view of the fair submission made by learned counsel for the petitioners, in my view, no useful purpose would be served keeping this writ application pending.

5. Accordingly, this writ application is disposed of with a direction to the petitioners to file a representation before the District Education Officer, Gopalganj (respondent no.8) along with the aforesaid judgment and other documents in support of their claim. The District Education Officer, Gopalganj (respondent no.8) shall dispose of the representation of the petitioners by a reasoned and speaking order in accordance with law within six weeks from the date of receipt/production of a copy of this order.



6. It is made clear that the District Education Officer, Gopalganj (respondent no.8) shall be personally responsible for non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

