

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15085 of 2023

Sanjeet Kumar @ Sanjit Kumar S/o Late Ramdeo Prasad, Resident of Village - Gudari Bazar, Ward No. - 8, Shanti Nayak Road, Dalsinghsarai, P.S. - Dalsinghsarai, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Special Director, Secondary Education (Sanskrit), Education Department, Government of Bihar, Patna.
3. Bihar Sanskrit Shiksha Board through its Secretary, House No. 17, Back Harding Road, Patna - 01.
4. The Chairman, Bihar Sanskrit Shiksha Board, House No. 17, Back Harding Road, Patna - 01.
5. The Secretary, Bihar Sanskrit Shiksha Board through its Secretary, House No. 17, Back Harding Road, Patna - 01
6. The District Education Officer, Samastipur.
7. The Headmaster, Mahavir Sanskrit High Dalsinghsarai, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Sushil Kumar Jha, Advocate
For the State	:	Mr. Madanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 28-11-2024

Heard learned counsels appearing on behalf of the parties.

2. This writ application has been filed for commanding the respondents to release the arrears of salary as well as current salary after extending the benefit of regular pay scale with all consequential benefits i.e. increments, D.A., etc., to the petitioner from the date of his initial



appointment/approval i.e. from 22.10.2013. Further payment has been made for quashing the order contained in Memo No. 3390 dated 09.07.2015 issued under the signature of Secretary, Bihar Sanskrit Shiksha Board (Respondent No. 3).

3. At the outset, learned counsel appearing on behalf of the petitioner submits that the issue raised in the instant writ application is not more *res integra* as the same has already been decided by a Co-ordinate Bench of this Hon'ble Court vide judgment dated 29.04.2019 passed in C.W.J.C. No. 4544 of 2015 whereby case of similarly situated persons has been allowed by this Hon'ble Court and respondents were directed to grant regular pay scale to the petitioners therein. Learned counsel further submits that Clause 5 (ja) of the State Government Resolution No. 370 dated 31.08.2013, which provides that employees of Bihar Non-Government Sanskrit Schools, appointed after 15.02.2011, will be entitled to fixed salary, is not applicable to the petitioner herein inasmuch as the petitioner herein, though appointed after 15.2.2011, has been appointed in regular pay scale.

4. Learned counsel appearing on behalf of the State is not in a position to dispute the contentions raised on behalf of the petitioner.



5. Having heard the rival submissions advanced on behalf of the parties, facts and circumstances of the case as well as the fact that the issue raised in the instant writ application is no more *res integra* as the same has already been decided by a Co-ordinate Bench of this Hon'ble Court vide order dated 29.04.2019 passed in ***C.W.J.C. No. 4544 of 2015***, this Court hold that petitioner is entitled to regular pay scale and he cannot be deprived of such benefits by the resolution of the State Government Resolution No. 370 dated 31.08.2013 or the impugned order contained in Memo No. 3390 dated 09.07.2015 issued under the signature of Secretary, Bihar Sanskrit Shiksha Board (Respondent No. 3).

6. Accordingly, the impugned order contained in Memo No. 3390 dated 09.07.2015, as contained in Annexure-P/7 to the instant writ application, issued under the signature of Secretary, Bihar Sanskrit Shiksha Board (Respondent No. 3) is bad in the eyes of law and the same is hereby quashed and set aside.

7. In view of the aforesaid terms and conditions, the District Education Officer, Samastipur (Respondent No. 6) is directed to pass consequential orders for payment of admissible dues to the petitioner, as early as possible, preferably within a



period of three months from the date of receipt/production of a copy of this order.

8. With the aforesaid observations and directions, this writ application stands allowed.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2024
Transmission Date	NA

