

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15414 of 2023

1. Rajkumar Mahto Son of Late Ramgulam Mahto, Resident of Village- Pure, P.S.- Lakhnaur, District-Madhubani.
2. Girija Nath Jha, Son of Late Hari Nath Jha, Resident of Village- Godhanpur, P.S.- Jhanjharpur, District- Madhubani.
3. Bhubneshwar Mahto, Son of Shyam Sunder Mahto, Resident of Village- Khajura, P.S.- Madhepur, District- Madhubani.
4. Kameshwar Prasad Singh, Son of Late Jai Dev Prasad Singh, Resident of Village- Pachhi P.S- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department 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, Bihar, Patna.
6. The District Education Officer, Madhubani, District- Madhubani.
7. The District Programme Officer, Establishment, Madhubani District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suresh Kumar Ishwar
For the Respondent/s : Mr.Madan Jeet Kumar (Gp 20)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioners, State and the
counsel appearing on behalf of the Sanskrit Siksha Board.

2. Petitioners have filed this petition for the following
reliefs :

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



commanding and directing the respondents to make payment of all the due salary allowance and other service benefits to the petitioners from 15.06.2002 to till their retirement with interest without any further delay for which the petitioners are entitled under the law.(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 the retirement benefits to the petitioners for which they are entitled in law.

(iii) For holding and declaring that the respondents -authorities had jurisdiction to deny the arrears of salary to the petitioner especially when, this Hon'ble court vide its order dt. 10.04.2012 passed in C.W.J.C. NO.- 1727 of 2009 (Saraswati Bhawan Jai kant Madhyamik Sanskrit Vidyalaya Vs. The State Of Bihar & others) and other analogous cases has specifically laid down and directed the authorities concerned to make payment to all the working teachers/ Headmasters and staffs of the Sanskrit School of the State.



3. Counsel for the petitioners submits that issue raised in the present writ application is no more res integra. A coordinate Bench of this court has occasioned to examine the similar issue in C.W.J.C. No. 3171 of 2006 vide order dated 20.5.2011.

4. Learned counsel for the petitioners submits that in C.W.J.C. No. 3171 of 2006 this court has occasioned to examine the various aspects of the matter and on consideration of the entire scheme, the court held out that the State Government is liable for payment and accordingly issued direction to the Sanskrit Shiksha Board for payment of salary within a period of three months from the date of receipt/production of a copy of this order.

5. Learned counsel for Sanskrit Shiksha Board submitted that writ petition may be disposed of with an observation that State Government may provide adequate fund so that payments as claimed by the petitioner may be made.

6. Learned counsel for the State submits that State Government pay only on verification of the genuineness of the claim of the incumbent which requires factual enquiry.

7. Considering the aforesaid, the writ petition is disposed of with direction to the respondent Sanskrit Shiksha Board as well as District Education Officer, Madhubani to look into the



grievance and on verification of the record if it is found that the petitioner is entitled to payment of salary and his case is covered by the decision of this Court in C.W.J.C. No. 3171 of 2006, similar benefit should be extended to the petitioner also within a period of three months from the date of receipt/production of a copy of this order.

8. It is made clear that this court has not expressed any opinion on the merit of the case.

9. The entire exercise is to be taken by the respondents on verification of the record and those records are lying with the respondents.

10. With the aforesaid, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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