

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.316 of 2019

In
Letters Patent Appeal No.1851 of 2015

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1. Ashok Kumar Singh, Son of Late Shiv Nandan Prasad Singhy, Resident of Village Vishnupur, P.O. Pakaria, P.S. Shambhuganj, District Banka.
 2. Shiv Kumar Singh, Son of Late Shreenath Singh, Resident of Village-Sukhpura, P.O.-Miranpur, P.S. Nonhara, District-Ghazipur (Uttar Pradesh).
 3. Kailash Chandra Jha, Son of Sri Deep Narayan Jha, Resident of Village-Mahmatpur, P.O. and P.S.-Amarpur, District-Banka.
 4. Dighambar Kumar Singh, Son of Late Basuki Prasad Singh, Resident of Village and P.O.-Pakaria, P.S. Shambhuganj, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Patna.
2. Secretary, Department of Human Resources, Government of Bihar, Patna.
3. Principal Secretary, Education Department, Government of Bihar, Patna.
4. Department of Finance, Government of Bihar through its Principal Secretary, Patna.
5. Bihar Sanskrit Siksha Board through its Secretary, Near Rajapur Pool, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.D.K. Sinha, Sr. Advocate Mr.Abhinay Raj, Advocate
For the Opposite Party/s :		Mr.Ashutosh Ranjan Pandey (AAG-15) Mr.Priyadarshi Matri Sharan, (AC to AAG-15)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-07-2024

A batch of writ petitions claiming parity of allowances, pension, family pension/ gratuity to teachers of non-government recognised aided Sanskrit schools as available to the teachers of the government schools was disposed of. The



review is filed on the ground that though pay parity was granted, the benefit of pension was not allowed.

2. Learned Senior Counsel, Shri D.K. Sinha also points out that the judgment relied on by the Division Bench; of the Hon'ble Supreme Court in ***Krishna Kumar Singh v. State of Bihar; (2017) 3 SCC 1***, cannot be relied on to deny that benefit.

3. We have reminded the learned Senior Counsel that the judgment is under review where there has to be apparent error on the face of the record. We also queried the learned Senior Counsel as to how only one review was filed, when the matter was disposed of in a batch of writ petitions. Learned Senior Counsel answers that the petitioners school was different from the others.

4. We have gone through the judgment and we cannot accept the contention of the petitioners that their school stood on a different footing. All the writ petitions were filed for the benefit of parity to non-government recognised aided Sanskrit schools; specifically pay parity to the teachers employed thereunder was available to teachers of government schools. It was specifically noticed that one writ petition was filed by retired teachers of an aided school, two by the Secretary



of the teachers association of the respective schools and the other two; from one of which the present appeal is filed, by the teaching staff of similar schools. Hence, we do not find any reason to treat the writ petition of the appellants herein or the school in which they were working to be different from others.

5. Admittedly, pay parity was granted and the petitioners are aggrieved with the pensionary benefits having not been granted. The Division Bench had specifically noticed the judgment in **Krishna Kumar Singh** (*supra*) which found that the Ordinance, under which the Sanskrit schools privately managed were taken over by the Government, was a fraud on the constitution; since they were never laid before the State Legislature. It was also stated so in the judgment under review:

‘The Constitution Bench, however, while holding as such protected the salary drawn by the teachers at par with the government employees by declaring that no recovery would be made of the salary so paid to the teachers/non-teaching staff. The Supreme Court thus while holding that the ordinances did not create any right or confer status of a government employee on the teaching and non-teaching staff of the Sanskrit Schools, simply protected the salary drawn by them under the ordinance as recovery was restrained.’



6. Pay parity and pensionary benefits are two different things. Even if pay parity is given to the teachers of aided schools, that does not mean that they are treated identical to the Government employees or the teachers in government schools; who are Government employees. The specific claim of pension and family pension was claimed in the writ petition as is seen from the prayers extracted in the judgment under review. The same having not been granted, the petitioners cannot seek a rehearing of the matter, under the guise of a review.

7. We find absolutely no reason to entertain the review since there is no error apparent from the face of the record. We reject the review petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

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