

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15433 of 2023

1. Viveka Nand Jha Son of Late Kamal Nath Jha, Resident of Village - Barhara, Police Station - Babubarhi, District - Madhubani.
2. Shivnandan Chaudhary Suman, Son of Late Bisheshwar Chaudhary, Resident of Village - Barhara, Police Station - Babubarhi, District - Madhubani.
3. Pradeep Kumar Bharti, Son of Late Dev Narayan Singh, Resident of village - Kabiya, Police Station - Babubarhi, District - Madhubani.
4. Kumari Madhavi, Daughter of Vinoda Nand Jha, Resident of Village - Tetuar, Police Station - Manigachhi, District - Darbhanga.
5. Kula Kant Jha, Son of Janardan Jha, Resident of Village - Barhara, Police Station - Babubarhi, District - Madhubani.

... .. 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, Education Department, Bihar, Patna.
4. The Special Director, Secondary Education, Bihar, Patna.
5. Bihar Sanskrit Shiksha Board, Patna through its Secretary.
6. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
7. The District Education Officer, Madhubani.
8. The District Programme Officer, Establishment, Madhubani.
9. The Managing Committee of Adarsh Brahmacharyashram Sanskrit Uchcha Vidyalaya, Bardahi, Madhubani through Pramod Kumar Chaudhary.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar Jha
For the Respondent/s : Mr.Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-03-2024

Heard the parties.

2. Both the counsels agree with this fact that the issue involved in the present writ petition stands finally adjudicated by the Division Bench of this 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 August, 2013, filed by the respondents was quashed. It would be apposite to quote the order passed by the Division Bench on 27.03.2019 in C.W.J.C. No. 15299 of 2015:

“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.”

3. In view of the above, the petitioner too would be entitled to the regular pay scale as he was appointed as Sanskrit School Teachers, which was recognized prior to 15.02.2011.

4. Accordingly, Annexure-P/5 and Clause 6 of the Resolution of the Education Department dated 31.08.2013 (Annexure-P/4) is hereby quashed.

5. This writ petition, is accordingly, allowed with all consequential benefits.

(Anjani Kumar Sharan, J)

anand/-

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