

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16296 of 2023

1. Raj Kumar Mahto son of Late Ram Gulam Mahto, Resident of Village-Pure, P.S.- Lakhtaur, 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 Petitioners	:	Mr. Suresh Kumar Ishwar, Advocate
For the State	:	Mr. Madhaw Pd. Yadaw, GP-23
		Mr. S.S. Sundaram, Advocate
		Mr. Chandra Shekhar Singh, Advocate
		Mr. Ankit, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 28-11-2024

Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. This writ application has been filed 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 necessary correction/modification for the implementation of 6th pay scale to the petitioners with effect from 1.04.2006 and monetary benefit with all benefits from 01.04.2007 as like Government High School and Government Minority High Schools in place of 01.04.2013 for which the petitioners are entitled under the law.*
- (ii) For issuance of an appropriate writ, order, direction in the nature Mandamus for commanding and directing the respondents to make necessary correction/modification for the implementation of Vth pay scale to the petitioners with effect from 1.01.1986 and all monetary benefits from 01.03.1989 as like the Government High School or Minority Government High School in place of 01.04.1998.*
- (iii) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to make payment of 5th pay scale with all benefits, service allowance and other service benefits from 01.03.1989 to date of retirement of petitioners of the aforesaid school as like the government High School. And minority Madarsa High School in the State of Bihar. And further respondents be directed to give payment of 6th pay scales with all benefits to the petitioners from 01.04.2007 to the date of his retirement as like Government High School. And minority Madarsa High Schools.*
- (iv) For issuance of an appropriate writ, order, direction*



in the nature mandamus for commanding of and directing the respondents to give priority in payment of salary i.e. salary allowance and other service benefits to the petitioners in the aforesaid school as like the Government High School and Minority Madarsa School in the State of Bihar.

(v) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to give the benefits of the respondents State Government decision memo no. 237 dated 20.02.1990 to the petitioners as the Government School. And minority Madarsa High School for which the petitioner is fully entitled under the law.

(vi) For issuance of any other reliefs for which petitioners may be found in the eyes of law.”

3. Learned counsel appearing on behalf of the respondents submits that as per previous decision of the Board dated 28.01.2013 the Board in its meeting dated 10.02.2016 has taken a decision to cancel the order contained in Memo No. 3077 dated 15.02.2002 by which recognition of the school in question has been cancelled.

4. On the other hand, learned counsel appearing on behalf of the petitioners submits that petitioners were working as teaching staffs of the school in question and Petitioner No. 1 has superannuated on 31.05.2019, Petitioner No. 2 on 31.03.2004, Petitioner No. 3 on 01.03.2017 and Petitioner No. 4



on 31.07.2012. Learned counsel for the petitioners further submits that case of the petitioners is fully covered with the order/judgment of this Court dated 13.08.2019 passed in ***L.P.A. No. 43 of 2016*** and other analogous cases.

5. In view of the rival submissions advanced on behalf of the parties and in view of aforesaid facts and circumstances of the case, this writ application is disposed of with a direction to the petitioners to file fresh detailed representation before the District Programme Officer, Establishment, Madhubani (Respondent No. 7) along with all the necessary documents and details in support of their claim, in light of the judgment of this Court dated 13.08.2019 passed in ***L.P.A. No. 43 of 2016***, along with a copy of the said judgment, within a period of six weeks from today.

6. In the event the petitioners file their representation within the stipulated period, the District Programme Officer, Establishment, Madhubani (Respondent No. 7) shall dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, preferably within a period of six months from the date of filing of the representation.

7. It is made clear that petitioners are claiming for payment of salary and other admissible dues only for the period



they were working and before the cancellation of recognition of the school in question, i.e. 10.02.2016.

8. It goes without saying that upon examination of the claim, if any dues are found payable to the petitioners, the same shall be paid to the petitioners as early as possible.

(Prabhat Kumar Singh, J)

shashank/-

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

