

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18760 of 2024

1. Sunil Kumar Son of Late Jagdish Prasad, Resident of Village and P.O.- Bhubhi, P.S.- Nagarnausa, District, Nalanda, Presently working as an Assistant Teacher in Nari Gyan Bharti Girls Sanskrit High School, Bhubhi, P.S.- Nagarnausa, District- Nalanda
 2. Asha Kumari Wife of Sri Dhananjay Kumar, Presently working as Headmistress in Nari Gyan Bharti Girls Sanskrit High School, Bhubhi, P.S.- Nagarnausa, District- Nalanda.
 3. Ajay Kumar Singh Son of Satyanarayan Singh Presently working as an Assistant Teacher in Nari Gyan Bharti Girls Sanskrit High School, Bhubhi, P.S.- Nagarnausa, District- Nalanda.
 4. Arti Kumari Wife of Kumar Awadhesh Singh Presently working as an Assistant Teacher in Nari Gyan Bharti Girls Sanskrit High School, Bhubhi, P.S.- Nagarnausa, District- Nalanda.
 5. Alakhnandan Das Son of Krishna Das Presently working as an Assistant Teacher in Nari Gyan Bharti Girls Sanskrit High School, Bhubhi, P.S.- Nagarnausa, District- Nalanda.
 6. Laxmi Kant Son of Shiv Ratan Pandey Presently working as an Assistant Teacher in Brahmratn Sanskrit Primary-cum-Middle School, Sartha, P.S.- Harnaut, District- Nalanda.
 7. Arun Kumar Son of Ramprit Singh Presently working as an Assistant Teacher in Brahmratn Sanskrit Primary-cum-Middle School, Sartha, P.S.- Harnaut, District- Nalanda.
 8. Sudha Kumari Wife of Sri Devendra Singh Presently working as an Assistant Teacher in Brahmratn Sanskrit Primary-cum-Middle School, Sartha, P.S.- Harnaut, District- Nalanda.
 9. Savita Devi Wife of Sri Ashok Kumar Singh Presently working as an Assistant Teacher in Brahmratn Sanskrit Primary-cum-Middle School, Sartha, P.S.- Harnaut, District- Nalanda.
 10. Dhananjay Kumar Pandey Son of Udyadhar Pandey Presently working as an Assistant Teacher in Brahmratn Sanskrit Primary-cum- Middle School, Sartha, P.S. Harnaut, District- Nalanda.
 11. Kalyani Kumari Wife of Kumar Pramendra Presently working as Parichari in Brahmratn Sanskrit Primary-cum-Middle School, Sartha, P.S.- Harnaut, District- Nalanda.
 12. Alok Kumar Son of Awadhesh Prasad Presently working as Headmaster in Sanskrit Primary-cum-Middle School, Hirdan Bigaha, P.S.- Harnaut, District- Nalanda.
 13. Vinod Kumar Son of Kamal Nayan Prasad Presently working as Assistant Teacher in S.D. Sanskrit High School, Baldha, P.S.- Nagarnausa, District- Nalanda.
- Petitioner/s
- Versus
1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
 2. The Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.



3. The Special Director, Secondary Education, In-charge Sanskrit Education, Education Department, Govt. of Bihar, Vikas Bhawan, Patna.
4. The Secretary/ Commissioner, Finance Department, Govt. of Bihar, Patna.
5. The Chairman, Bihar Sanskrit Siksha Board, Harding Road, Patna.
6. The Secretary, Bihar Sanskrit Siksha Board, Harding Road, Patna.
7. The District Education Officer, Nalanda.
8. The District Programme Officer (Establishment), Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (4)
For BSSB : Mr. SS Sundram, Advocate
Mr. Ankit, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024

Heard learned counsel for the parties.

2. Learned counsel for the petitioners prays for following reliefs:-

“That, in this petition the grievances of petitioners are that the relief granted by Division Bench of this Hon'ble Court in L.P.A. No. 43 of 2016 and its analogous cases vide order-dated 13.08.2019 for revised pay scale under 5th, 6th and 7th pay revision was not extended to all, who are identically situated as the said benefits provided to others wherein petitioners are denied/ withholds, which is abuse of power and process in addition to ratio decided by Apex Court in case of Ashwani Kumar & Ors Versus The State of Bihar & Ors reported in A.I.R. 1997 SC 1628 in Para 17 had clearly held that all persons similarly situated whether they had moved the Court or not, must be similarly treated and those who were waiting in the wings, which cannot be denied the relief, which is granted by the Court unless relief is personal to the person and similar in the provision of Clause 4C(1) of Bihar State Litigation Policy, 2011.”

3. Learned counsel for the Bihar Sanskrit Shiksha Board as well as the State submits that in so far as 7th Pay Revision is concerned, the same has not been implemented and



in future, if it is implemented, the same would be granted to the petitioners as per the law.

4. Having heard learned counsel for the parties and taking into consideration the submissions of the petitioners that the case of the petitioners is squarely covered by the order, of the Division Bench of this Court passed in passed in the LPA No. 43 of 2016, dated 13.08.2019, the present writ application is disposed with liberty to the petitioners to file a representation, along with relevant documents, before the District Education Officer, Nalanda (respondent no.7) within a period of four weeks.

5. If such a representation is filed, the District Education Officer, Nalanda, shall dispose the same in accordance with law and by a reasoned order within a period of three months from the date of receipt of the representation and the petitioners shall be granted personal hearing in the matter.

6. Needless to state that if the claim of the petitioners is found admissible by the District Education Officer, Nalanda, the requisite amount shall be paid to them within a period of one month from the date of disposal of the representation.

7. With the aforesaid observations and directions, this writ application is disposed.

(Prabhat Kumar Singh, J)

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