

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.938 of 2024

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Neebha Kumari Daughter of Shri Balmiki Prasad Singh Resident of Village-
Baingaini, Police Station- Bahera, District- Darbhanga

... .. 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 Darbhanga
8. The District Programme Officer Establishment, Darbhanga
9. The Managing Committee of Shri Shivjee Sanskrit Uchcha Vidyalaya
Baingani, Bahera, Darbhanga through its Secretary Shri Shiv Shankar
Choudhary

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Jha
For the Respondent/s : Mr. Addl. Advocate General (13)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-03-2024 Heard the parties.

2. Learned counsel for the State has filed a detailed
counter affidavit in Court. Let it be kept on record.

3. 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.”

4. Learned counsel for the State submits that though the Civil Review application was dismissed for non-prosecution on 20.03.2023 and, thereafter, the State has filed M.J.C. No. 2022 of 2023 to get the Civil Review No. 295 of 2019 restored to its original file.

5. 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.

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

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

(Anjani Kumar Sharan, J)

anand/-

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