

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2713 of 2025

1. Shiv Nath Prasad S/o- Late Khenhar Prasad, R/o- Village- Sadalapur, Arakpur, Shiopur Sakra, P.S.-Asaon, District- Siwan- 841245, retired while working as an Assistant Teacher in Devi Marachhiya Sanskrit High School Fazilpur, Kandhpakar, Anchal- Ander, District-Siwan.
2. Guptar Bhakta, S/o- Shivbachan Bhagat, R/o- Village- Fazilpur, Kandhpakar, P.S.- Ason, District-Siwan- 841287, retired while working as an Assistant Teacher in Devi Marachhiya Sanskrit High School Fazilpur Kandhpakar, Anchal- Ander, District- Siwan.

.. ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director of Secondary Education, Government of Bihar at Patna.
4. The Bihar Sanskrit Shiksha Board, Patna through its Chairman.
5. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
6. The District Education Officer, Siwan at Siwan.
7. The District Programme Officer (Establishment), Siwan.
8. The Block Education Officer, Block- Ander, Siwan.
9. The Principal, Devi Marachhiya Sanskrit High School Fazilpur, Kandhpakar, Anchal- Ander, District- Siwan.
10. The Secretary, Devi Marachhiya Sanskrit High School Fazilpur, Kandhpakar, Anchal- Ander, District- Siwan.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajnish Prakash, Advocate
For the Respondent/s	:	Mr. Md. Irshad, AC to SC 1
For the Board	:	Mr. Faiz Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 25-02-2025 Heard Mr. Rajnish Prakash, learned counsel

 appearing on behalf of the petitioners; Mr. Md. Irshad, learned

 AC to SC 1 for the State and Mr. Faiz Ahmad, learned counsel

 appearing on behalf of the Bihar Sanskrit Shiksha Board.

2. The petitioners in paragraph no. 1 of the present



writ petition has sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

“(i) For issuance of a direction to the respondent authorities concerned to ensure payment of arrears of salary to the petitioners without any further delay as the petitioners spent their whole life teaching at Devi Marachhiya Sanskrit High School Fazilpur, Kandhpakar, Anchal-Ander, District-Siwan, as the salary of the Petitioner No.1 not been paid since 10.12.1977 and that of Petitioner No. 2 since 04.02.1983 in lieu of all their hard works, honesty and dedication to the said school despite that both Petitioner no.1 and Petitioner no.2 had attained the age of superannuation on 31.05.2014 and 31.05.2015 respectively.

(ii) For issuance of a direction to the respondent authorities concerned to ensure payment of arrears of salary after complying its order in letter and spirit contained in Memo No.-4677, dated 19.12.2014 issued by the Secretary, Bihar Sanskrit Shiksha Board, Bihar, Patna to the District Education Officer, Siwan by which it was ordered to pay the arrears of salary to both the petitioners as per the rule.

(iii) For issuance of direction to the respondent authorities concerned to ensure payment of admitted arrears of salary along with interest and other benefits as despite of orders/directions from the Secretary of the Board the payment has not been made to the petitioners even after several rounds of enquiry/verification done by the board and the officials of the department regarding working and attendance of the petitioners in the concerned school.

(iv) For any other relief for which the petitioner may be deemed entitled to.”

3. It is the case of the petitioners that the school, namely Devi Marachhiya Sanskrit High School, Fazilpur, Kandhpakar, Anchal-Ander, District-Siwan, was taken over in the year 1989, as per the provisions of the Bihar Non-Government Sanskrit Schools (Taking Over of Management and Control) Ordinance, 1989. It is contended that once the State



Government had taken over all the Non-Government Sanskrit Schools, including the petitioners' school, for the purpose of managing and controlling them and for their better organization and development, the petitioners became entitled to similar service conditions as that of the State Government teachers. The petitioners claim that they are continuously performing their duties on the post of Assistant Teachers, to which they were appointed long back. The petitioner no.1 was appointed on 16.12.1974, which was duly recognized by the Secretary, Bihar Sanskrit Sikhsa Board, Patna (hereinafter referred to as the 'Board') vide order no.5767 dated 10.12.1977 (Annexure- P/2 to the writ petition), and with respect to petitioner no.2, he was appointed on 21.01.1983, and his services were also recognized vide order no.323 dated 04.02.1983 (Annexure P/3 to the writ petition) by the Board. Petitioner no.1 had superannuated on 31.05.2014, and petitioner no.2 had superannuated on 31.05.2015. Waiting for a considerable period of time, in absence of any action taken in respect of the payment of their due salary from the date of the taking over of their school by the State Government, the petitioners were forced to file CWJC No.4064 of 2024, which was disposed of vide order dated 26.02.2020 by permitting the petitioners to approach the



Departmental Authorities for redressal of their grievances. It was also clarified in the said order that the Court has not examined the merits of the case of the petitioners. It is contended on behalf of the petitioners that a decision was communicated by the Secretary of the Board, vide Memo no.4677 dated 19.12.2014, by which he had directed the District Education Officer, Siwan, to make payment of salary to the petitioners, including their terminal benefits, in accordance with law.

4. Learned counsel appearing on behalf of the petitioners submitted that several representations were filed before the Secretary and Chairman of the Board, as well as, before the District Programme Officer (Establishment), Siwan, and the District Education Officer, Siwan, for payment but till date no action has been taken by them in spite of a clear direction from the Secretary of the Board. Learned counsel further submitted that the management of the school had not objected, insofar as, the status of the petitioners as teachers is concerned. The record, which was handed over to the Regional Director of Education at the relevant point of time in the year 1989, reveals that the petitioners continued to work in the said school and after the taking over of the school in the year 1989,



the petitioners became entitled to all the benefits and the pay scale, which were applicable to Assistant Teachers.

5. *Per contra*, learned counsel appearing on behalf of the State submitted that a counter affidavit is required to be filed, considering that there are facts that do not confirm that the petitioners had worked in the said school and in view of the fact that the petitioners have also not been able to bring on record any documents. Even the representations filed on behalf of the petitioners are not supported by any papers, on which basis conclusion can be drawn that they were validly appointed Assistant Teachers on the date of the taking over of the school in the year 1989. However, learned counsel admitted that the District Programme Officer (Establishment), Siwan, and the District Education Officer, Siwan, have not given any adverse information relating to the petitioner to the Chairman of the Board nor have they endeavored to examine the case of the petitioners till date.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, it is evident from records that the petitioners were found to have worked. The Secretary of the Board vide Memo no.4677 dated 19.12.2014, had directed the



District Education Officer, Siwan, to examine the case of the petitioners and had also directed that if the petitioners were found entitled to payment of salary, they are required to be paid in accordance with law. However, no action was taken, as would appear from the order dated 26.02.2020 passed in CWJC No.4064 of 2020. This Court had directed the petitioners to approach the Departmental Authorities for the redressal of their grievance, and now, after waiting for a considerable period of time, the petitioners have again approached this Court with a similar relief, which has not been redressed till date due to the inaction on the part of the District Programme Officer (Establishment), Siwan.

8. In the State of Bihar, in all the Districts there exists post of District Programme Establishment under Education Department. The officers have been found to be indolent, or they have exceeded their jurisdiction, all resulting into the defeat the legitimate right of the teachers, who are forced to approach this Court against their illegal actions. The petitioners in the present case are aggrieved for non-payment of their retirement dues, non-fixation of their pay scale, or for any trivial cause.

9. The delay in the present case is also self-evident since in spite of the communication of the order dated



26.02.2020, the District Programme Officer, Siwan, has remained indolent for reasons best known to him.

10. In such circumstances not to further delay considering the deliberate inaction on the part of the District Programme Officer (Establishment), Siwan, the records relating to these petitioners are required to be placed before the Director Primary/Secondary Education, Bihar, who may enquire from the District Programme Officer (Establishment), as to why, the cases of the individual petitioners have been kept pending, resulting into the clogging of the writ petitions before this Court. Time has come to take appropriate action either to train the District Programme Officers (Establishment) or the District Education Officers.

11. This Court finds that in the year 2020, vide order dated 26.02.2020 in CWJC No.4064 of 2020, the Departmental Authorities were directed to consider the grievance of the petitioners, if they approach.

12. In such circumstances, I direct the Director, Primary/Secondary Education, Bihar, to call for the service particulars relating to the petitioners from the District Programme Officer (Establishment), Siwan, and examine the case of the petitioner no.1 and the petitioner no.2, who have



already retired on 31.05.2014 and 31.05.2015, respectively and thereafter redress the grievance of the petitioners expeditiously, in accordance with law not beyond a period of six weeks.

13. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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