

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19285 of 2021

1. Vishwaranjan Narayan Son of Purushottam Narayan Pathak, At Present Posted as Assistant Teacher in Shree Jagdish Sanskrit Uchcha Vidyalaya Gareriya , Raniganj, Gaya, District- Gaya.
2. Santosh Kumar, Son of Rajendra Ram, At Present Posted as orderly Peon in Shree Jagdish Sanskrit Uchcha Vidyalaya, Gareriya, Raniganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Special Director (Secondary Education), Department of Education, Government of Bihar, Patna.
4. Bihar Sanskrit Shiksha Board, Behind Hardings Road, Patna through its Secretary.
5. Chairman, Bihar Sanksrit Shiksha Board, Behind Hardings Road, Patna.
6. Secretary, Bihar Sanskrit Shiksha Board, Behind Hardings Road, Patna.
7. Managing Committee, Shree Jagdish Sanskrit Uchcha Vidyalaya, Gareriya Raniganj District Gaya through its Secretary

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Advocate
For the Respondent/s	:	Mr. Vinay Kumar Mishra, AC to AAG 15
For the Board	:	Ms. Kumari Sujata Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-04-2025 Heard Mr. Durga Nand Jha, learned counsel appearing on behalf of the petitioners; Mr. Vinay Kumar Mishra learned AC to AAG 15 for the State and Ms. Kumari Sujata Sinha, learned counsel appearing on behalf of the Bihar Sanksrit Shiksha Board.

2. The petitioners, in paragraph no. 1 of the present writ petition, have sought, *inter alia*, the following relief(s),



which is reproduced hereinafter:-

“(i) Issuance of a writ in the nature of Mandamus directing and commanding the Respondents to pay the due salary and other allowances to petitioners from the date of their initial appointment at the earliest and the Respondents 4 to 6 be directed to grant approval of the appointment of the petitioners pursuant to request submitted by the Secretary of the managing committee of the school.

(ii) Issuance of an appropriate declaration and holding that once after following all the procedures of appointment, the petitioners were selected by the duly constituted selection committee and managing committee decided to appoint them against the sanctioned and vacant posts of Assistant teacher and orderly peon respectively and matter was sent to Respondent Board, the authority of the Board was enjoined with law to grant approval of the said appointment and state authorities were obliged to release the necessary fund for payment of salary to petitioners from the date of their initial appointment particularly when the petitioners are continuously working on their posts from the date of their initial appointment/Joining.

(iii) Issuance of an appropriate holding that since the school comes in the Category of 429 recognised Sanskrit schools having sanctioned strength of staffs 7+2, and only two teachers and one non teaching staff was working, some posts of teachers were advertised in daily news papers and after following in entire process of selection the petitioners were appointed on permanent basis and Respondent Board was requested to grant approval of said appointments, there appears no reason not to accord approval and release the due salary of petitioners inspite of the fact that they are continuously working but without salary which amounts to begari.

(iv) Issuance of an appropriate declaration that once all the required documents including no objection affidavit duly sworn by another family member were submitted



well within time, there is no justification to keep the matter pending, without any rhyme and reason, particularly when the entire family members of deceased Government servant are at the point of starvation, as they had borrowed huge loan from others to save the deceased but could not save, and thus the whole acts of respondents are arbitrary, bad and for extraneous consideration and even against the several decisions of the Hon'ble Apex Court.

(v) Any other relief or reliefs be granted to petitioners to which they are found to be entitled to."

3. Learned counsel appearing on behalf of petitioners informs that the draft advertisement for appointment on the posts of Acharya teacher, Graduate teacher and Peon, after being approved by the Managing Committee, was published in the newspaper on 31.01.2016. Thereafter, the petitioner nos.1 and 2 were selected by the decision of the Managing Committee *vide* letter nos.24 and 25 dated 30.03.2016, on the post of Acharya teacher and on the post of Peon, respectively. The appointment of the petitioners have been made after following the due process of selection and they joined on the said posts on 01.04.2016.

4. Learned counsel appearing on behalf of respondent/s in the counter affidavit has informed that the petitioners' appointment has been made in the year 2016 and the appointment has to be made as per the provision made in the new Service Condition Rules, 2015, however, the draft



advertisement was never approved by the Board, which is contrary with the selection and appointment of the teaching and non-teaching staff of the school.

5. Learned counsel appearing on behalf of petitioners submitted that the rejection cannot be said to be well founded and petitioners don't find that in such facts and circumstances, any alternative and efficacious remedy of appeal will be of any benefit to them. Learned counsel, however, submitted that opportunity be given to the petitioners to challenge the order passed by the Bihar Sanskrit Shiksha Board's contained in letter no.1732 dated 15.12.2020 (Annexure A to the counter affidavit) by which the proposal of approval of appointment of the petitioners have been rejected.

6. Considering the aforesaid information, I find that the petitioners, if so advised, may challenge the said order in accordance with the provision under section 24 of the Bihar Sanskrit Education Board (Amendment) Act, 2024 before the Special Director, Education Department.

7. The Special Director, Education Department must consider to condone delay, if any, in filing of the appeal, considering the fact that the entire world was affected by the Covid-19 pandemic and the writ petition was filed in the year



2021, during which several advisories were issued by the Central Government and the State Government, as well as, by this Court.

8. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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