

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9492 of 2021

Vindhyachal Thakur son of Late Bhavanand Thakur, resident of Ward No.- 8,
Nawani, P.S.- Ghoghardiha, District- Madhubani.

... .. Petitioner/s

Versus

1. The Bihar Sanskrit Shiksha Board through its Secretary.
2. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
3. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
4. The District Education Officer, Madhubani.
5. The District Programme Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinay Raj, Advocate
For the Board	:	Ms. Kumari Sujata Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-05-2025 Heard Mr. Abhinay Raj, learned counsel appearing
on behalf of the petitioner and Ms. Kumari Sujata Sinha, learned
counsel for the Bihar Sanskrit Shiksha Board.

2. The writ petition was filed during the COVID
period and the petitioner in paragraph no. 1 of the present writ
petition has sought, *inter alia*, the following relief(s), which is
reproduced hereinafter:-

*“1. That this writ application is being filed
for issuance of an appropriate writ for quashing of order
contained in Memo No.3372 dated 06/11/19 issued by the
Chairman Bihar Sanskrit Shiksha Board and for
consequential direction upon the Respondent Authorities
for payment of due salary and other emoluments of the
petitioner from 01/05/1992 to 31/12/2012, with up-to-
date interest at appropriate rate which may be fixed by
the Hon'ble Court. For a further direction for calculation
and payment of retiral dues of the petitioner with up-to-
date interest as well as for payment of the deductions
made from the salary of the petitioner during his service*



tenure from 14/10/1989 to 30/04/1992, considering his service to be in continuity.”

3. Ms. Kumari Sujata Sinha, learned counsel appearing on behalf of the Bihar Sanskrit Siksha Board submits that the record reveals that the appointment of the petitioner was not permanent. The appointment of the petitioner was approved by the Board for a period of six months as a temporary teacher vide Memo No. 7641 dated 04.10.1989. The petitioner was never appointed as a permanent teacher against the sanctioned vacant post, as such, he was not paid due salary from the period from 01.05.1992 to 31.12.2012.

4. When the Managing Committee of the school has not made the petitioner permanent teacher, the question arises whether there was any sanctioned vacant post in the school, then only the petitioner can be appointed on permanent basis.

5. The petitioner has not been able to give the basic information regarding the date of sanction of the number of posts, which were approved and the number of teachers, who were appointed on the permanent sanctioned vacant post. An advertisement was published on 31.08.1989 by the Managing Committee of the School, namely, Laxmiwati Sanskrit High School, Mahrail, Madhubani and pursuant to which, the letter of appointment was issued to the petitioner on 07.09.1989.



6. Having considered the rival submissions made on behalf of the parties, I find that the record reveals that the Managing Committee of the School, namely, Laxmiwati Sanskrit High School, Mahrail, Madhubani had published an advertisement dated 31.08.1989, but the petitioner has not given information, as to whether, the advertisement for appointment of Sahityachary was approved by the Bihar Sanskrit Siksha Board, however, even considering the fact that the petitioner was appointed pursuant to the said advertisement and the letter of appointment was issued to the petitioner on 07.09.1989, in absence of basic information relating to the number of sanctioned vacant post, in view of the admitted position that the petitioner was working as a temporary teacher, till 31.12.2012, the entitlement of the petitioner applicable to the permanent teacher from 01.05.1992 to 31.12.2012, as claimed by the petitioner, in view of the approval for permanent post having been not acted upon by the Board till date, whether for inaction on the part of the Board, the petitioner can be allowed to face the penal consequences on the ground of non-payment of his due salary. This Court can interfere with the order denying the payment of due salary to the petitioner for the aforesaid period.

7. In view of the fact that the State, as well as, the



Board have admitted that the petitioner has been paid due salary from 14.10.1989 to 30.04.1992, in the impugned order, no information relating to the date of approval of the number of posts of Acharya teachers has been given and the petitioner has claimed that he topped among the eligible candidates in the merit list and thereafter he was appointed and paid due salary as per his eligibility on the post of permanent teacher from 14.10.1989 to 30.04.1992, and for the period from 01.05.1992 to 31.12.2012, he had continuously worked, but he was not paid, as such, the order contained in Memo no.3372 dated 06.11.2019 without giving basic reasons in support of the denial of due salary to the petitioner, who has claimed that he has worked on the permanent sanctioned post as a permanent teacher, cannot sustain.

8. The Secretary, Bihar Sanskrit Siksha Board is directed to give opportunity of hearing to the petitioner and based on the records must pass a fresh order.

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

(Purnendu Singh, J)

Mantreshwar/-
Ashishsingh/-

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