

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10265 of 2021

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Surendra Prasad Ojha Son of Sri Yadunath Ojha Resident of Village and P.O.-
Nimez, P.S.- Brahmpur, District- Buxar. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
 2. The Special Director, Secondary Education, Incharge Sanskrit Education, Deptt. of Education, Vikash Bhawan, Patna.
 3. The Bihar Sanskrit Shiksha Board, through its Secretary, Bihar, Patna.
 4. The Chairman, Bihar Sanskrit Shiksha Board, Bihar, Patna.
 5. The Secretary, Bihar Sanskrit Shiksha Board, Bihar, Patna.
 6. The District Education Officer, Buxar, District- Buxar.
 7. The District Programme Officer, Establishment Buxar, District- Buxar.
 8. The Block Education Officer, Brahampur, District- Buxar.
 9. Sanjay Kumar Madhukar Son of Devendra Nath Tripathy Resident of Village - Ghurhupur, P.O.- Hathilpur, P.S.- Brahampur, District- Buxar.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Suresh Kumar Ishwar, Advocate
For the Respondent/s : AC to (AG)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 26-06-2025 Heard Mr. Suresh Kumar Ishwar, learned counsel

appearing on behalf of the petitioner and learned AC to (AG) for
the State.

2. The petitioner 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 an appropriate writ, order, direction in the nature of certiorari for quashing the impugned order passed by the respondent no.4, the Chairman of the Bihar Sanskrit Shiksha Board Patna vide Memo no.1672 dated 17.03.2021 as contained in Annexure-8 to this application whereunder and whereby the Respondent no.4 has order for payment of salary of working period to the



respondent no.9 on the illegal and baseless ground as the respondent no.9 is not working in the aforesaid school.

(ii) For issuance of an appropriate writ, order, direction in the nature of certiorari for quashing the consequential impugned order passed by the Respondent no.4, the Chairman of the Bihar Sanskrit Shiksha Board vide Memo no.93 dated 13.01.2015 as contained in Annexure-4 to this application whereunder whereby the respondent no.4 has recall/review his own earlier order passed by him Memo no.7013 dated 20.12.2013 on the illegal, baseless ground and without his jurisdiction.

(iii) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the Respondents to consider the order passed by Hon'ble High Court dated 12.07.2016 passed in L.P.A. No. 1819 of 2015 as contained this in Annexure-5 to application as the aforesaid order has been passed by the Hon'ble High Court after hearing all the parties. The respondent no.9 was also party in the afore-said case.

(iv) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the Respondents to allow the earlier order dated 20.12.2013 passed by the Respondent no.4, the Chairman of Sanskrit the Bihar Shiksha Board as respondent no.4 has held that the appointment/approval of the respondent no.9 is illegal and against the law. The aforesaid order as also been confirmed by the Hon'ble High Court in C.W.J.C.No.2367 2014 dated of 09.04.2014. The Hon'ble High Court has also held that the appointment/approval of no.9 is bad. the respondent

(v) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the Respondents to declare the appointment and approval of the respondent no.9 is illegal, void and against the law on the basis of the order passed by the competent authority, the Respondent no.4, the Chairman, Bihar Sanskrit Shikhsa Board.

(vi) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the Respondents-authorities to recover the entire payment of salary to the respondent no.9 as Assistant Teacher in the aforesaid Ram Briksha Prathmik



Sah Madhya Sanskrit Vidyalaya Ghurhupur in the District of Buxar as his appointment/approval is illegal, void and against the law.

(vii) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the Respondents-authorities to recover the payment of salary to the respondent no.9 March 2021 Rs.34668 as the Respondent no.9 is not working on the aforesaid school.

(viii) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the Respondents to take legal action against the Respondent no.9 as he has taken salary as a Assistant Teacher without any valid/legal appointment and approval.

(ix) For issuance of an appropriate writ, order, direction as your Lordship may deem fit & proper in interest of justice.”

3. At the outset, learned counsel appearing on behalf of the petitioner seeks to avail the remedy of appeal prescribed under section 24 of the Bihar Sanskrit Sikhsha Board Act before the Special Secretary, Secondary Education (Sanskrit) Education Department, Government of Bihar, for the relief(s), as prayed for in the present writ petition.

4. The appeal of the petitioner shall be disposed of by the Special Secretary within the statutory period in accordance with law.

5. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

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