

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19515 of 2024

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Kashi Naresh Jha Son of Late Ram Shankar Jha, Resident of Village- Sahora,
P.O.- Anandpur, Police Station- Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar.
3. The Special Director (Secondary Education), Govt. of Bihar, Patna.
4. The District Education Officer, Darbhanga.
5. The District Programme Officer (Establishment), Darbhanga.
6. The Bihar Sanskrit Shiksha Board, through Secretary, Bihar, Patna.
7. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
8. The Secretary, Bihar Sanskrit Shiksha Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shree Kant Pandey, Advocate
For the Board	:	Mr.S.S.Sundaram, Advocate
For the Respondent/s	:	Mr.Raghwanand, GA 11
		Mr.Prabhat Kumar, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-01-2025 Heard Mr. Shree Kant Pandey, learned counsel

 appearing on behalf of the petitioner; Mr. S.S. Sundaram,

 learned counsel for the Bihar Sanskrit Shiksha Board and Mr.

 Raghwanand, learned GA 11 along with Mr. Prabhat Kumar,

 learned AC to GA 11 for the State.

2. The petitioner has been forced by the attitude of the

District Education Officer, Darbhanga to file the present writ

petition seeking *inter alia* following relief(s) : -

“That this is an application for issuance of
a writ in the nature of mandamus directing and



commanding the respondent authorities to make payment of arrears by way of differential amount of salary in the Revised Pay Scale under 5th, 6th and 7th Pay Revision in the same manner as allowed to teaching and non-teaching staffs of Government Schools together with Dearness Allowance with Statutory interest admissible and petitioner case fully covered with the Division Bench of this Hon'ble Court vide order dated 13.08.2019 passed in LPA No.43 of 2016 reported in 2020 (3) PLJR Page 848 (ii) against that order, State government of Bihar filed Appeal before Hon'ble Supreme Court vide Special Leave Petition (Civil) Diary No.3346/2021 and Hon'ble Supreme Court vide order dated 26.02.2021 dismissed the appeal and after that State Government of Bihar, filed Civil Review No.151 of 2021 against LPA order dated 13.08.2019 which is also dismissed vide order dated 15.05.2023 but authorities not paid the different of arrear of salary and/or pass appropriate order or orders as deem fit and proper and disposed of representation of representation of petitioner, which is pending before the authorities.”

3. It is contended on behalf of the petitioner that the petitioner is entitled for the relief(s) as prayed for in the present writ petition, in the light of the judgment passed in **LPA No.43 of 2016 with other cases**, in which *inter alia* following directions have been passed : -

“For the reasons and discussions above, we are satisfied to record that the appellant writ petitioners have made out a case for indulgence and consequently we direct the respondent authorities in the Education Department including the Principal Secretary to accord the benefits of revision of pay-scales under the 5th and 6th Pay Revisions to the teacher and non-teaching staff of the Non-Government Recognized (Aided) Sanskrit Schools and Madaras in the same manner as allowed to the



teaching and non-teaching staff in the Government Schools together with dearness allowance admissible thereon and let the exercise together with the payment of differential amount of salary to which the teaching and non-teaching staffs in these schools are entitled, be made within a period of three months from today.

We, however, bearing note of the constitution Bench judgment of the Supreme Court rendered in the case of **Krishna Kumar Singh** (supra) are not persuaded to allow the payment of superannuation benefits to these teaching and non-teaching staffs in these schools because they are employees of the schools which are run by the private managing committees and thus can not be held government employees for such admissibility. To such extent we refuse the relief of superannuation benefits for the retired employees of the schools for they do not acquire the status of a government employee and the relief that we have allowed is strictly limited to the revision of pay-scales under the 5th and 6th Pay Revision together with the dearness allowance admissible thereon.

The judgment and order passed by the learned Single Judge dated 12.08.2015 on the writ petitions bearing CWJC No.2663 of 2015, CWJC No.2464 of 2015, CWJC No.3022 of 2015, CWJC No.3444 of 2014 and CWJC No.5109 of 2015 stands modified to such extent.”

4. Taking into consideration the attitude of the District Education Officer, Darbhanga and the District Programme Officer (Establishment), Darbhanga, I have no alternative except to direct the respondent no.3 [The Special Director (Secondary Education), Government of Bihar, Patna] to call for the service particulars of the petitioner and verify, whether the case of the petitioner is covered by the judgment



passed in **LPA No.43 of 2016 and other cases** and take necessary steps to grant similar relief(s) to the petitioner expeditiously without delay.

5. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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