

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.38 of 2025

1. Pawan Kumar Pathak son of Sukh Dev Pathak, resident of Village and P.O.-Chandauli, P.S.-Ujjiyarpur, District-Samastipur.
2. Mritunjay Prasad Singh Mantun, son of Brajraj Singh, resident of Village and P.O.-Bhagwanpur Kamla, P.S.-Ujjiyarpur, District-Samastipur.
3. Shiv Sharan Prasad Singh, son of Ram Deo Prasad Singh, resident of Village and P.O.-Bhagwanpur Kamla, P.S.-Ujjiyarpur, District-Samastipur.
4. Rajendra Prasad, son of Anand Mahto, resident of Village and P.O.-Bhagwanpur Kamla, P.S.-Ujjiyarpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Vikash Bhawan, Patna.
3. The Additional Secretary, Human Resources Development Department, Government of Bihar, Vikash Bhawan, Patna.
4. The Special Director, Department of Education, Government of Bihar, Vikash Bhawan, Patna.
5. The Bihar Sanskrit Shiksha Board, Bihar Patna through its Secretary.
6. The Chairman, Bihar Sanskrit Shiksha Board, Bihar, Patna.
7. The Secretary, the Bihar Sanskrit Shiksha Board, Bihar, Patna.
8. The District Education Officer, Samastipur, District-Samastipur.
9. The District Programme Officer, Buxar, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Kumar Ishwar, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, A.A.G.-7
For the Board	:	Mr. Satyam Shivam Sundaram, Advocate
		Mr. Ram Niwas Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioners, learned
counsel for the State, as well as learned counsel for the Sanskrit
Shiksha Board.

2. The petitioners have filed the present writ



application seeking the following reliefs:-

(i) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to make payment of all the retirement benefits to the petitioners i.e. provident fund, gratuity, leave encashment, pension and others retirement benefits for which the petitioners are entitled under the law without any further delay.

(ii) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to give par/parity in pay scale and retirement benefits to the petitioners as like Government Schools.

(iii) For issuance of an appropriate writ, order, direction in the nature of Mandamus for commanding and directing the respondents to give the same and similar benefits to the petitioners as like Government schools as the earlier decision of the State Government bearing no.237 dated 20.02.1990.

(iv) Pass such other appropriate writ, orders, directions as your Lordships may deem fit and proper in the interest of justice to the petitioners.



3. It is the case of the petitioners that they were duly appointed as Assistant Teachers and at the time of retirement they also discharged duties as Head Master in Gandhi Sanskrit Prathmik Sah Madhyamik Vidyalaya, Kamla Ujiyarpur, District-Samastipur, a recognized Sanskrit High School. They retired from service after successful completion of tenure. Their appointments and service are not in dispute, having been duly approved by the Managing committee of the said institution. Despite this, their retiral benefits have not been settled without any valid justification.

4. Learned counsel for the petitioners submits that similarly situated persons had earlier approached this Court in C.W.J.C. No. 4145 of 2019 and vide order dated 28.01.2021, this Court had directed the authorities to consider their case in the light of Government resolution which forms part of the Annexure-3 of the writ petition. Compliance of the said order has also been brought on record as Annexure-P/6 at Page-45 of the writ petition.

5. On the other hand, learned counsel for the State as well as learned counsel for the Board submit that the present writ petition may also be disposed of in terms of the aforesaid order.



6. In such view of the matter, the petitioners are directed to file a detailed representation before the Special Director, Department of Education (Respondent No. 4) annexing all relevant documents, including the judgments of this Court. Upon such representation being filed, the authorities shall be obliged to pass a reasoned and speaking order within a period of four weeks, after granting due opportunity of hearing to the petitioners. If Respondent No. 4 does not consider himself competent to decide the issue, the representation shall be forwarded to the competent authority forthwith so that a final decision may be taken within the stipulated period. The decision so taken shall be communicated to the petitioners without delay.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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