

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.438 of 2019

In
Civil Writ Jurisdiction Case No.12259 of 2014

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1. The State Of Bihar through the Principal Secretary-Cum-Commissioner, Education Department, Governement of Bihar, Patna.
 2. The Special Director, Secondary Education (In-Charge Sanskrit), Education Department, Governemnt of BIhar, Patna.
 3. The Distr4ict Education Officer, Madhubani, District-Madhubani.
 4. The Bihar Sanskrit Shiksha Board through its Secreraty Its Secretary, East Boring Canal Road, Patna.

... .. Petitioner/s

Versus

Baidyanath Jha son of Late Niras Jha Resident of Village Bourha, Police Station Lokaha, District Madhubani, at Present Working as Headmaster, Niras Sanskrit High School, Bourha, Police Station Lokaha, District-Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Jha (Ac To Sc 28)
For the Opposite Party/s : Mrs.Namrata Mishra, Sr.Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 19-06-2025 Heard Mrs.Binita Singh, learned State counsel, and

Mrs.Namrata Mishra, who is appearing on behalf of the

opposite party petitioner Baidyanath Jha.

2. The present petition has been preferred for :-

“That the instant petition is being filed for reviewing the order dated 26.11.2018 passed in CWJC No. 12259 of 2014 by Hon'ble Mr. Justice Anil Kumar Upadhyay whereby and whereunder the Hon'ble Court has been pleased to dispose of the said writ application with direction to the respondents to grant all consequential benefits treating the age of



superannuation of the petitioner as 65 years. The Hon'ble Court further directed that the necessary decision in this regard shall be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.”

3. Learned State counsel submits that earlier there was a provision to the National Awardees Teachers of getting benefit of 3 years extension in their service which came to abolished by the Government vide letter no.128 dated 23.05.1996. Instead, they were extended benefits of cash amount of Rs.20,000/- in case of national awardee and Rs.10,000/- in state awardee case.

4. As such, the petitioner being national awardee was entitled to Rs.20,000/- as cash and not extension of 3 years. He however, approached this Court in CWJC No.12259 of 2014 in the year 2014 after completing 62 years for his extension of service by another 3 years and in between, as the Headmaster continued on the post.

5. It is the further case of the State that the Managing Committee claimed before the writ court that they have approved the extension but it is not their case that they ever approached the State Government for its approval which in any case could not have been approved due to change of policy



decision. In that background, the order of the writ court by which the writ petitioner was allowed to continue upto 65 years with all consequential benefits has to be interfered with.

6. Mrs. Namarata Mishra, learned Senior Counsel representing the opposite party-petitioner submits that the writ petitioner continued on the post upto 65 years, never debarred and now that he has become aged person, the payment is not being made. This despite the clear stand of the Managing Committee that they approved the said extension. She also submits that in similar case, the Madarsa Teachers were also allowed to continue and according to her, the payments have also been made. Learned State Counsel at this point submits that they have taken decision on realisation of the amount by way of certificate proceedings.

7. On the one hand, there is a stand of the State that the policy decision was changed in the year 1996 itself and as such, neither the petitioner could have continued as Headmaster after completion of 62 years nor the Managing Committee was competent to approve it which in any case did not got any approval of the State committee.

8. On the other hand, the stand of the opposite party is that he was allowed to continue for another 3 years as such for



the work he has done, is entitled for the payment.

9. The policy decision of the State Government cannot be interfered with. The fact remains that the State Government changed his policy and instead of extending the period of 3 years, it came out with different cash rewards for the National Awardee/State Awardee. However, another fact is that the petitioner continued on the said post. It is the claim of the writ petitioner as narrated by Mrs.Namrata Mishra that some of the similar situated persons have been paid the amount by the State Government.

10. In that background, it would be appropriate that the matter goes before the Additional Chief Secretary, Education Department, Bihar, Patna where both the parties shall appear with their respective documents. The Managing Committee, who despite being the main culprit, unfortunately, has not been made party either in the writ petition or in the review petition be also heard before the Additional Chief Secretary, Education Department, Bihar, Patna before he/she takes a decision.

11. The review petition stands disposed off with the direction to the Additional Chief Secretary, Education Department, Bihar, Patna to take the matter to its logical conclusion after issuing notice to all the necessary parties in



next four weeks. The writ court order stands merged with the present order.

12. The order has been passed in the presence of the sole opposite party and as such he is duty bound to approach the Department pursuant to the said notice. The review petition stands disposed off.

(Rajiv Roy, J)

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