

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.232 of 2025

In

Civil Writ Jurisdiction Case No.5804 of 2021

-
-
1. The State of Bihar
 2. The Director (Secondary Education), Bihar, Patna.
 3. The Special Director (Secondary Education), Bihar, Patna.
 4. The District Education Officer (Establishment), Buxar.
 5. The District Programme Officer (Establishment), Buxar.

... .. Appellants

Versus

1. Krishna Bihari Pandey, Son of Late Parash Nath Pandey, resident of Village-Simri Ramopatti, P.O. and P.S.- Simari, District- Buxar.
2. The Chairman, Bihar Sanskrit Siksha Board, Patna.
3. The Secretary, Bihar Sanskrit Siksha Board, Patna.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Sri Krishna Ranjan, A.C. to G.P.-17
For Respondent No. 1	:	Mr. Shree Kant Pandey, Advocate
For Bihar Sanskrit Siksha Board, Patna	:	Mr. Satyam Shivam Sundram, Advocate Mr. Aman Kumar, Advocate Mr. Ankit, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-07-2026



The appellants impugn the order of the learned Single Judge in Civil Writ Jurisdiction Case (CWJC) No. 5804 of 2021, dated 03.12.2024, vide which the learned Single Judge, after duly considering the case of the petitioner/respondent, more specifically Annexure-7, relied on by the petitioner/respondent, observed as follows;

“11. For the reasons stated above, the petitioner is entitled to get his salary and all other consequential benefits from the date of his appointment, till the date of his superannuation. He is also entitled to retiral benefits in accordance with law.”

2. Briefly summarized, the petitioner's/respondent's case is that pursuant to Advertisement, dated 01.09.1989, issued by the Managing Committee of *Bishnu Dipan Sanskrit Prathmik Sah Madhya Balak Vidyalaya*, Simri, Buxar, he applied for the post of Madhyama Teacher and was selected and appointed as Assistant Teacher on 14.12.1989 and the Government took over the school on 18.12.1989. It is the averment of the petitioner/respondent that after such taking over of the school, he has not been paid salary at all which has led to a series of litigation.

3. Learned counsel for the appellants advanced their submissions contending that, although the petitioner/respondent was appointed as an Assistant Teacher in the said Sanskrit School, however, the school was taken over by the Government on 18.12.1989. The



approval for appointment of the petitioner/respondent in the said school was issued only on 29.12.1989, and since the approval was after the school was taken over by the Government, the appointment of the petitioner/respondent was *non est* as it was made by the Bihar Sanskrit Shiksha Board and the State Government had neither appointed him nor was it responsible for payment of salary to him or considering him as an employee of the school.

4. *Per contra*, it was contended by learned counsel for the respondent/petitioner that contrary to the submissions of learned counsel for the appellants, vide Annexure-7, the order of the Special Director, Education Department, in an appeal filed by the respondent/petitioner, it has clearly been recorded that the approval for the appointment of the respondent/petitioner was given by the concerned authority of the Sanskrit School on 14.12.1989 and it was dispatched to the respondent/petitioner only on 21.12.1989 and received on 29.12.1989. That in such circumstances, when the approval has already been given on 14.12.1989, it was prior in time to the take over of the school by the State Government on 18.12.1989, and hence, the respondent/petitioner is entitled to his salary and all other allied benefits. That not only the concerned authority of the Government, i.e., Special Director, Education Department but also the learned Single Judge has arrived at the same conclusion. It



was further contended that the order, dated 13.09.2011, in appeal filed by the respondent/petitioner before the Special Director, Education Department was not challenged before any authority by the appellants, and therefore, has attained finality.

5. We have given due consideration to the rival contentions of learned counsel for the parties. We have also perused the averments/documents on record as also the impugned judgment. The only question for consideration is whether the conclusion of learned Single Judge in the impugned Judgment, the relevant paragraph of which has been extracted (supra), warrants interference by this Court.

6. Indeed, we find from the order of the Special Director, Education Department (Annexure-7) that it is as submitted by learned counsel for the respondent/petitioner. Once the approval has been granted on 14.12.1989, the respondent/petitioner cannot be victimized for delay in the ministerial work of dispatching the communication. We are also not impressed with the argument of learned counsel for the appellants to the effect that the case of two persons were decided by the Special Director, Education Department vide Annexure-7, however, salary and other allowances were paid to only one Rajnath Singh for the reason that there was only one vacancy against which one teacher could have been appointed. Two teachers could not have been appointed against one vacant post. The reason



for the choice of Rajnath Singh is also unexplained. There is no document on record to fortify the submissions advanced by learned counsel for the appellants.

7. Consequently, we find that the approval for the appointment of the respondent as an Assistant Teacher of the *Bishnu Dipan Sanskrit Prathmik Sah Madhya Balak Vidyalaya*, Simri, Buxar having been accorded prior to the Government taking over the school, the judgment of the learned Single warrants no interference, which is accordingly upheld.

8. The instant Letters Patent Appeal stands dismissed.

9. Interlocutory Application(s), if any, also stand disposed of.

(Meenakshi Madan Rai, CJ)

(Soni Shrivastava, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	03.07.2026
Transmission Date	

