

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13102 of 2016

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Jitendra Kumar Sah son of Sh. Ram Ayodhya Prasad Sah Resident of Village -
Simra, Post - Mansoor Pur, Police Station and District - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Primary Education, Government of Bihar, Patna
3. The Bihar Sanskrit Shiksha Board through the Secretary, House No. - 17,
Behind of Harding Road, nea
4. The Chairman, Bihar Sanskrit Shiksha Board, House No. - 17, Behind of
Harding Road, near Chitkohra
5. The Secretary, Bihar Sanskrit Shiksha Board, House No. - 17, Behind of
Harding Road, near Chitkohra
6. Surendra Kumar Thakur son of Sh. Jamadar Thakur resident of Village and
Post - Chakahlad, Via - Balukaram, Police Station and District - Vaishali, Pin
- 844113.
7. Managing Committee, Primary -Cum-Middel Sanskrit School, Alhadadpur,
Vaishali.
8. Bihar School Examination Board, Patna through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Adv
For the State		Mr. Kumar Alok, Adv
For the Respondent no.6 :		Mr. Alok Kumar, Adv
For the Respondent no. 7		Mr. Pranav Kumar, Adv
For the BSEB		Mr. Vipin Kumar, Adv
For Sanskrit Siksha Board		Mr. Sashank Shekhar Jha, Adv

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

13 19-01-2026

Heard the parties.

2. The petitioner in the present writ application is
prayed for the following reliefs:-

After some argument was advanced by the learned
counsel for the petitioner, learned counsel appearing for the
private respondent no. 6 and learned counsel appearing for



respondent/ Bihar Sanskrit Shiksha Board raised objection regarding maintainability on the following counts;-

(i) The appointment of the respondent no. 6 has been approved by the Bihar Sanskrit Shiksha Board vide letter no. 250 dated 29.01.2016 which has been brought on record by way of Annexure-G to the counter affidavit filed by the Bihar Sanskrit Shiksha Board and the said approval letter dated 29.01.2016 has not been challenged in the present writ application.

(ii) In terms of Rule 8(4) of Bihar State Non Government Recognized Sanskrit School(up to Madhyama Standard) Teachers Service Conditions Rules 2015, the petitioner had alternative remedy of challenging the appointment of the private respondent as well as approval granted by the Bihar Sanskrit Shiksha Board by filing an appeal before the Special Secretary, Secondary Education in terms of the said rule read with order dated 27.08.2018 passed in CWJC No. 12647 of 2014 (Annexure- R-6/J to the counter affidavit filed by the respondent no.6 to the third supplementary counter affidavit filed by respondent no. 6), which has not been done and directly this writ has been filed.

3. To the aforesaid objections raised by learned



counsel appearing for the respondent no. 6 at the time of filing of writ and Bihar Sanskrit Shiksha Board, learned counsel for the petitioner submits that approval granted by the Board vide letter no. 250 dated 29.01.2016 was never brought to the notice of the petitioner and for the first time the said letter has been brought on record by filing the counter affidavit on 29.04.2023. It is due to this reason that the petitioner could not challenge the said letter granting approval to the appointment of private respondent no. 6 at the time of filing of writ. He further submits that the petitioner has given his comments against the said letter dated 29.01.2016 by filing a reply of the rejoinder to the counter affidavit filed by the Bihar Sanskrit Shiksha Board.

4. To the other objection regarding not filing an appeal before the Special Secretary, Secondary Education in terms of Rule 8 (4) of Bihar State Non Government Recognized Sanskrit School(up to Madhyama Standard) Teachers Service Conditions Rules 2015, he submits that since the order granting approval to the appointment of respondent no. 6 was not given to the petitioner therefore, the petitioner could not file an appeal before the Special Secretary, Secondary Education.

5 Having heard the parties, this Court is of the view that even if it is believed that the letter no. 250 dated 29.01.2016



granting approval to the appointment of private respondent was not given to the petitioner, there is no denying the fact that this letter was brought on record by way of counter affidavit filed by Bihar Sanskrit Shiksha Board in the year 2023 and even then the petitioner never bothered to challenge the same and neither sought liberty to challenge said letter, for filing an appeal before the Special Secretary, Secondary Education in terms of Rules 8 (4) of Bihar State Non Government Recognized Sanskrit School(up to Madhyama Standard) Teachers Service Conditions Rules 2015 read with order dated 27.08.2018 passed in CWJC No. 12647 of 2014. Even Today, when this Court suggested the petitioner to avail the alternative remedy available before the Special Secretary Secondary, Education, learned counsel for the petitioner declined the same and requested this court to proceed for deciding the case on merit. Meaning thereby, that the petitioner is not willing to avail the alternative remedy of appeal available to the petitioner before the Special Director, Secondary Education.

6. In the light of the facts and circumstances discussed above, this writ application is dismissed for the reasons that the relief sought for, by the petitioner of directing the respondent to appoint the petitioner by terminating the respondent no. 6



Surendra Kumar from the post of Assistant Teacher Primary cum Middle Sanskrit School, Alhadadpur, Vaishali cannot be granted in absence of challenge to the letter no. 250 dated 29.01.2016 issued by the Bihar Sanskrit Shiksha Board by which the Board has approved the appointment of the private respondent on the post of Assistant Teacher Primary cum Middle Sanskrit School, Alhadadpur, Vaishali .

7. This writ application is dismissed in the aforesaid terms.

(Alok Kumar Sinha, J)

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