

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25688 of 2019

Arvind Kumar Chaudhary Son of Sukhdev Chaudhary Resident of Maranchi Ward No.06, Maranchi, P.S.- District- Begusarai.

... .. Petitioner/s

Versus

1. The Additional Chief Secretary Department of Education, Government of Bihar, Patna.
2. The Special Director, (Secondary Education), (Sanskrit and Madarsa), Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Samastipur.
4. The District Programme Officer (Establishment), Samastipur.
5. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
6. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
7. Shri Mritunjay Prasad Chaudhary Son of Brahamdev Chaudhary Resident of Ward No.11, Gonuchak, Fateha, P.S.- Bachwara, District- Begusarai, the Secretary, Managing Committee of Bharti Sanskrit High School, Basti, Samastipur.
8. Sanjeev Kumar Jha Son of Late Bhola Kant Jha resident of Village-Kalyanpur Basti, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Mr. Pramod Kumar Sinha
For the Respondent/s	:	Mr. Jai Prabhat Kishore, AC to SC-13 Mr. Md. Faiz Ahmad Mr. Suresh Kumar Ishwar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

8 10-02-2026 Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The instant writ application has been filed for quashing of the Office Order dated 15.10.2019, as contained in Memo No. 3232 dated 15.10.2019, whereby, the case of the petitioner for promotion has been rejected and the District



Education Officer, Samastipur directed to recover the salary paid to the petitioner on the ground that his appointment was only temporary, and could have continued for three months after approval of appointment. Further prayer has been made for staying the operation of the aforesaid order during the pendency of the writ application, and as a consequential relief, the petitioner has also prayed for a direction to promote him to the post of Headmaster of Bharti Sanskrit High School, Basti.

3. Learned counsel for the petitioner submits that earlier the petitioner had approached this Court by filing CWJC No. 15594 of 2013 seeking payment of salary from the funds released by the State Government by way of grant to Sanskrit schools. The said writ application was heard along with other writ petitions filed by similarly situated persons. After hearing the parties and considering the stand taken, an order was passed on 11.03.2015. The relevant portion of the said order is extracted hereinbelow:

“...15. Let it be noted kept in mind that this Court had passed another order on 28.03.2014 in the batch of writ applications restraining the Chairman/ Secretary to the Board to give any sort of recognition to any teaching employee of the recognized Sanskrit schools till further orders of this Court and therefore if the Secretary to the Board had found it necessary to approve the promotion of Arvind Kumar Chaudhary on the post



of Headmaster, he had to approach this Court seeking specific approval and permission instead of issuing an order.”

4. Learned counsel for the petitioner, by referring to Annexure-P/1, submits that the appointment of the petitioner on the post of Acharya Assistant Teacher against a vacant sanctioned post was duly approved by the Board vide Office Order as contained in Memo No. 787 dated 18.05.1990. It is further submitted that the Secretary of the Bihar Sanskrit Shiksha Board had filed an affidavit in CWJC No. 15594 of 2013, wherein it was candidly stated that although the petitioner, possessing Acharya qualification, was appointed by the Managing Committee of the school in the year 1989, his appointment was duly approved by the Board. As per the relevant Rules, a teacher possessing Acharya qualification is eligible to be appointed as Headmaster or In-charge Headmaster in Sanskrit High Schools. Accordingly, considering his seniority and qualification, the petitioner was posted as In-charge Headmaster of the school, which decision of the Managing Committee was approved by the Board vide Memo No. 1936 dated 02.07.2010.

5. However, from perusal of the impugned order as contained in Memo No. 3232 dated 15.10.2019, which is stated



to have been passed pursuant to the order of this Court in CWJC No. 15594 of 2013, it appears that these material facts, which were placed before this Court through a counter affidavit sworn by the Secretary, Bihar Sanskrit Shiksha Board, Patna, in the said case, have not been considered. Thus, the order impugned does not reflect proper consideration of the issues for which a categorical direction had been issued by the coordinate Bench in the earlier round of litigation.

6. On the other hand, learned counsel appearing for the Board, the Headmaster of the school and the State submits that since the material considerations directed to be examined by the Board, while adjudicating the claim of the petitioner, have apparently not been taken into account, the authorities may be directed to take an appropriate decision in accordance with law.

7. Considering the submissions advanced by the parties, this Court is of the view that there has been material deviation in consideration and adjudication of claim of the petitioner, which would be evident from the fact that the stand taken by the Secretary of the Bihar Sanskrit Shiksha Board recognizing the eligibility of the petitioner for appointment as In-charge Headmaster, which was already approved by the



Board, has not been taken into consideration, including other material facts raised in the petition, while passing the impugned order. As such, in absence of such consideration, this Court is left with no other option but to set aside the order dated 15.10.2019 as contained in Memo No. 3232 and remand the matter to the authorities of the Board to take a final decision after granting opportunity of hearing to the petitioner and permitting him to place all relevant documents in support of his claim.

8. It is expected that the entire exercise shall be completed by the Board within a period of three months from the date of receipt of the representation, which the petitioner shall file along with all supporting documents, including a copy of this order, within a period of four weeks from today.

9. In the result, the instant application stands disposed of.

(Ajit Kumar, J)

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