

(2011) 04 PAT CK 0240

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 12605 of 1993

Rajendra Dubey

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Citation : (2011) 4 PLJR 687

Hon'ble Judges : Navaniti Prasad Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Navaniti Prasad Singh, J.—The Petitioner was a teacher working on duly sanctioned post and with due approval of the Bihar Sanskrit Shiksha Board prior to the 1989 ordinance, that is, prior to 06.12.1989. On that day the ordinance in the shape of ordinance No. 39 of 1982 promulgated which continued up to 01.05.1992 whereafter no ordinances were further issued nor the ordinance was converted into Act. Thus, ordinances lapsed.

2. The dispute in the present case is as to what is the status of the Petitioner after lapsing of the ordinance as the Petitioner was beyond the "Manak Mandal" though duly appointed on sanctioned vacant post and approved by the Bihar Sanskrit Shiksha Board.

3. Having considered the matter, in my view, this question has already been settled by this Court in the case of Deo Shankar Jha v. The State of Bihar and Ors. in C.W.J.C. No. 216 of 1998 disposed of on 16th September, 2010 since reported in 2010 (4) PLJR 346. This Court has clearly held that after lapsing of ordinance there would be two classes of teachers. One who fell within the "Manak Mandal" and would be treated as Government Teacher and received payment from the Government accordingly. The others were duly appointed teachers beyond the "Manak Mandal" who would receive their payments from the Government under grant-in-aid. The Petitioner would fall in the later category

and he cannot be denied payment. The Circular of the State Government dated 14.12.1995 has been disapproved and cancelled in earlier judgments and would be ineffectual. Thus, it is held that the Petitioner would be entitled to his full remuneration as indicated above. The District Education Officer, Buxar under whose jurisdiction the Petitioner's school fall would be responsible for compliance of this order within three months from the date of production of a copy of this order before him.

Accordingly, this writ petition is allowed.