
(2015) 01 PAT CK 0120

In the Patna High Court

Case No : LPA No. 1620 of 2013 in CWJC No. 14402 of 2006, CWJC Nos. 4642 and 15280 of 2014

State of Bihar and Others

APPELLANT

Vs

Lallan Prasad and Others

RESPONDENT

Date of Decision : 20-01-2015

Acts Referred:

Citation : (2015) 3 PLJR 68

Hon'ble Judges : L. Narasimha Reddy, C.J.;Gopal Prasad, J

Bench : Division Bench

Advocate : P.N. Shahi and Sanjay Kumar Singh, for the Appellant; Shailesh Kumar Sinha, Advocates for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, C.J—This Letters Patent Appeal under clause 10 of the Letters Patent is been filed by the appellant-State of Bihar against the order dated 18.3.2013 passed by the learned Single Judge in CWJC No. 14402 of 2006. For the sake of convenience, we refer to the parties as arrayed in the writ petition. Petitioner Nos. 1 to 16 were appointed as Sanskrit Teachers in various institutions, established or controlled by the Government. They were governed by the Bihar Subordinate Education Service Rules. There existed a superior service, in the Education Department under the Bihar Education Service Rules. Through its resolution dated 7.7.2006, the State of Bihar merged both the services and the employees governed by the Bihar Subordinate Education Service Rules were fitted in Class-II of the Bihar Education Service Rules. This arrangement became effective from 1.1.1977.

2. The petitioners, though retired from service by 7.7.2006 were very much in service as on 1.1.1977. By referring to various orders, passed in writ petitions and letters patent appeals by this Court and by the Supreme Court, in special leave petitions; they claimed the benefit of merger of both the services by filing the writ petitions. The plea of the respondents, i.e. the State was that the

Sanskrit Teachers were not part of the Bihar Subordinate Education Service and as such they are not entitled to the benefit of merger.

3. The learned Single Judge referred to various orders as well as the provisions of Service Rules and took the view that the Sanskrit Teachers were treated as part of the Bihar Subordinate Education Service and on its merger they become part of Bihar Education Service in Class-H. Accordingly relief was granted. The said order is challenged in these appeals.

4. Heard Mr. Pushkar Narain Shahi for the appellants and Mr. Shailesh Kumar, learned counsel for the respondents.

5. The main plank of the argument of the appellants is that the Sanskrit Teachers were never treated as part of the Bihar Subordinate Education Service. They did not dispute that all the teachers who were governed by the Bihar Subordinate Education Service Rules were extended the benefit of merger with effect from 1.1.1977. Therefore, the only aspect to be verified as to whether the Sanskrit Teachers were governed by any other service rules.

6. It is not in dispute that after the appointment of the petitioners they were extended the benefit of pay scale and other facilities as per the Bihar Subordinate Education Service Rules. They served in the same institutions where the teachers of similar category were functioning. Further, it is not pointed out that there exists any separate set of rules; governing the services of the Sanskrit Teachers. An attempt is made to rely upon certain provision in the Bihar Education Code. In that provision, emphasis is laid on the oriental education and reference is made to the teaching in Sanskrit also.

7. It is a matter of common knowledge that the State and the Central Governments initiated special measures for developing the oriental languages and teaching thereof. Being an oriental language, Sanskrit was included in the provision. The mere mentioning of Sanskrit language in the context of promotion of oriental languages does not take away the same from the field of general education. Further, in the State of Bihar there was provision for teaching of Sanskrit just as the facility existed for teaching of other languages, such as English, Hindi and Urdu. There is no reason as to why the teachers of Sanskrit can be singled out in this context.

8. We do not find any basis of interference with the order passed by the learned Single Judge. It is brought to our notice that during the pendency of the appeal, the Director, Secondary Education passed an order dated 30.6.2014 making certain observations and restricting the rights not only of the respondents herein but also the petitioners in CWJC No. 15280 of 2014 from getting any relief from the Court.

9. We dismiss these appeals. The respondents shall be extended the benefit of the orders passed in the writ petition, notwithstanding any subsequent developments.

10. There shall be no order as to costs. Interlocutory Applications shall also stand disposed of.