

(2008) 07 PAT CK 0067
In the Patna High Court
Case No : LPA No. 4 of 2001

The State of Bihar and Another

APPELLANT

Vs

Yugeshwar Tiwary and Others

RESPONDENT

Date of Decision : 31-07-2008

Acts Referred:

Citation : (2009) 1 PLJR 4

Hon'ble Judges : C.M. Prasad, J; Barin Ghosh, J

Bench : Division Bench

Advocate : Anil Kumar, for the Appellant;

Final Decision : Dismissed

Judgement

Barin Ghosh and C.M. Prasad, JJ.—In CWJC No. 4118 of 1999 it was contended that Sanskrit Schools, which are recognized, are obliged to pay salaries to the staff of such recognized Schools. It was contended that till such time recognition continues, the obligation to pay such salaries rest in the Sanskrit Board as well as in the State Government. A learned Single Judge of this Court dealt with the said writ petition by a judgment and order rendered on 21st August, 2000. The learned Judge noted that an Ordinance was promulgated to take over such Sanskrit Schools and the said Ordinance was replaced by successive Ordinances and disputes pertaining to the effectiveness of such Ordinances landed up, ultimately, for consideration before the Hon"ble Supreme Court. Before the learned Judge, however, the contention was that until recognition of Sanskrit Schools is cancelled, the staff of the Sanskrit Schools are entitled to salary from the Sanskrit Board and the State Government. The learned Judge by the judgment dated 21st August, 2000 while expressly granted liberty to cancel recognition of Sanskrit Schools, made it absolutely clear that until such time the recognition of the Sanskrit Schools is cancelled, the staff of the Sanskrit Schools would be entitled to receive their salaries. This judgment and order has not been appealed against. In the writ petition, which resulted in the impugned order, similar claim was made by several recognized Sanskrit Schools and by the

judgment and order under appeal a learned Single Judge disposed of the same in the light of the judgment rendered in CWJC No. 4118 of 1999. In the present appeal, the appellant has accepted in paragraph 2 of the Memorandum of Appeal that the School in question was a non-Government recognized School and, accordingly, the judgment rendered in CWJC No. 4118 of 1999 squarely apply to the said School.

2. In those circumstances, there is no scope of interference. The appeal fails and is dismissed.