

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.713 of 2024

In
Civil Writ Jurisdiction Case No.14725 of 2023

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1. The State of Bihar through Director, Secondary Education (Sanskrit), Government of Bihar, Patna.
 2. The Special Director, Secondary Education Sanskrit, Government of Bihar, Patna.

... .. Appellant/s

Versus

1. Sanjay Kumar Tiwari, S/o Kanahaiya Tiwari Village - Chakia, P.S. and District - Kaimur - 821108.
2. Rajeev Kumar Tripathy, S/o Dasharath Narayan Tripathy, Village - Maura, Post - Chandrakaithi, P.S. - Chenari, District - Rohtas - 821104.
3. Anil Kumar Shukal, S/o Kameshwar Shukal, Village Bhamdua, P.O. and P.S. - Chenari, Bhardua, District - Rohtas - 821104.
4. The Bihar Sanskrit Siksha Board, through its Secretary having its office at East Boring Canal Road, Patna.
5. The Chairman, Bihar Sanskrit Siksha Board, East Boring Canal Road, Patna.
6. The Secretary, Bihar Sanskrit Siksha Board, East Boring Canal Road, Patna.
7. The Head Master, Shri Bajrang Bali Sanskrit Uchch Vidyalay, Chenari, Rohtas, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar (A.C. to G.P.20)
For the Respondent/s	:	Mr. Sriram Krishna, Advocate
		Mr. Prabhat Kumar Singh, Advocate
		Mr. Amarjeet, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date: 23-02-2026

Re.: I.A. No. 02 of 2024

The present interlocutory application has been filed



seeking condonation of delay of 92 days in preferring the present appeal.

2. For the reasons stated in the interlocutory application, the delay in filing the appeal is condoned.

3. I.A. No. 02/2024 stands allowed.

Re.: L.P.A.No. 713 of 2024

4. Heard learned counsel for the parties.

5. The present *intra court* appeal has been preferred against the order dated 08.04.2024 passed by the learned Single Judge in CWJC No. 14725 of 2023.

6. The writ petitioners (respondents herein) had challenged Clause-6 of Resolution No. 970 dated 31.08.2013 issued by the Education Department, Government of Bihar, whereby teaching and non-teaching employees of Non-Government recognized aided Sanskrit Schools/Madarsas appointed on or after 15.02.2011 were placed on fixed salary. The learned Single Judge, relying upon the judgment rendered in C.W.J.C. No. 985 of 2015 (*Imran Alam & Ors. vs. The State of Bihar & Ors.*), allowed the writ petition and quashed the relevant portion of the Resolution with consequential benefits.

7. The learned Writ Court, after hearing the parties, passed the following orders:

“2. Both the counsels agree with this fact that the



issue involved in the present writ petition stands finally adjudicated by the Division Bench of this Court in C.W.J.C. No. 15299 of 2015 and connected petitions wherein the Division Bench has relied upon its earlier judgment passed in C.W.J.C. No. 985 of 2015 decided on 27.03.2019 whereby the Memo, dated August, 2013, filed by the respondents was quashed. It would be apposite to quote the order passed by the Division Bench on 27.03.2019 in C.W.J.C. No. 15299 of 2015:

“These five writ petitions related to the claim of salary by such teacher who are appointed in Sanskrit Schools and who claim to have been recognized prior to 15.02.2011 and are amongst the 531 schools who were on the grant-in-aid list prior to the aforesaid date. These petitioners have also been deprived of the benefits to which they were entitled by the impugned resolution dated 31st August, 2013 which has already been quashed by us today to the extent indicated in our judgment in C.W.J.C. No. 985 of 2015 and, therefore, the petitioners would also be entitled to the same benefits on the same terms.”

3. In view of the above, the petitioner too would be entitled to the regular pay scale as he was appointed as Sanskrit School Teachers, which was recognized prior to 15.02.2011.

4. Accordingly, Annexure-P/4 and the Resolution of the Education Department dated 31.08.2013 (Annexure-P/3) is hereby quashed.

5. This writ petition, is accordingly, allowed with all consequential benefits.”

8. Learned counsel appearing for the appellants submits that against the judgment rendered in C.W.J.C. No. 985 of 2015, the State had preferred Civil Review No. 295 of 2019, which was dismissed for non-prosecution, and thereafter a



restoration application being M.J.C. No. 2022 of 2023 has been filed and is pending consideration. It is submitted that in view of the pendency of the restoration application, the learned Single Judge ought to have kept the writ petition in abeyance.

9. *Per contra*, learned counsel appearing for the respondents submits that the issue stood concluded by binding Division Bench judgments and the learned Single Judge merely followed the settled position of law. It is submitted that the impugned order does not warrant interference.

10. The limited issue that arises for consideration in the present appeal is whether the order dated 08.04.2024 passed by the learned Single Judge, having been rendered upon agreement of learned counsel that the issue stood concluded by earlier Division Bench judgments, and thus being in the nature of a consent order, suffers from any illegality or infirmity warranting interference in intra-court appellate jurisdiction.

11. We have carefully considered the impugned order dated 08.04.2024 passed by the learned Single Judge. A plain reading of the impugned order makes it evident that the learned Single Judge specifically recorded that both learned counsel appearing for the parties agreed that the issue involved in the writ petition stood finally adjudicated by earlier Division Bench



judgments of this Court. Upon such recorded agreement and noticing that the matter was covered by binding precedents, the learned Single Judge allowed the writ petition and granted consequential reliefs.

12. It is well settled that what is recorded in a judgment as having been stated by counsel is conclusive and binding on the parties. In ***State of Maharashtra v. Ramdas Shrinivas Nayak***, reported in ***(1982) 2 SCC 463***, the Hon'ble Supreme Court has observed as follows:

“4.... We are afraid that we cannot launch into an enquiry as to what transpired in the High Court. It is simply not done. Public policy bars us. Judicial decorum restrains us. Matters of judicial record are unquestionable. They are not open to doubt. Judges cannot be dragged into the arena. “Judgments cannot be treated as mere counters in the game of litigation.” [Per Lord Atkinson in Somasundaram Chetty v. Subramanian Chetty, AIR 1926 PC 136 : 99 IC 742] We are bound to accept the statement of the Judges recorded in their judgment, as to what transpired in court. We cannot allow the statement of the Judges to be contradicted by statements at the Bar or by affidavit and other evidence...”

13. In the present case, the learned Single Judge has recorded the agreement of counsel that the issue stood covered by earlier binding judgments. No material has been placed before us to show that such recording is erroneous. In view of the law laid down in *Ramdas Shrinivas Nayak* (supra), the correctness of the recorded submission cannot be reopened in



appellate proceedings.

14. Once the parties agreed before the learned Single Judge that the controversy was concluded by binding precedent, and the order was passed on that basis, the appellants cannot now be permitted to re-agitate the same issue in an intra-court appeal.

15. We, therefore, do not find any illegality or infirmity in the impugned order dated 08.04.2024 warranting interference in exercise of appellate jurisdiction.

16. Accordingly, the present *intra court* appeal stands dismissed.

17. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sujit/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	10.03.2026
Transmission Date	NA

