

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5562 of 2015**

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Ayodhya Ram, son of Late Mahanand Ram, resident of Village Parmanpur,  
P.S. Koran Sarai, Dist. Buxar.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Buxar, District Buxar.
3. District Superintendent Education Officer, Buxar.
4. The District Programme Officer, Primary Education and Education for all Programme, Buxar District Buxar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Respondent/s : Mr. Apurva Kumar, AC to GA-11

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

3      02-07-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application  
reads as follows:-

- "1(i)      *For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to pay all the retiral benefits and pension to the petitioner who retired from the post of In-charge, Headmaster of the Middle school satuhari situated in Navanagar Block, District Buxar on 31.12.2012.*
- (ii)      *For issuance of an appropriate writ/writs in the nature of mandamus directing the respondent authorities to pay the all retiral dues of the petitioner with proper interest from the date it fell due up to date of payment."*

Learned counsel for the petitioner has submitted that  
despite the fact that the petitioner had retired on 31.12.2012, his

all retirement benefit including monthly pension has not been paid to him for a period of more than two and half years.

Noticing such submission on the last occasion, this Court had directed the learned counsel for the State to file counter affidavit.

Today, in the counter affidavit, whatever picture has been projected would go to show that the petitioner has neither handed-over the full charge of his office of the Headmaster nor has properly accounted for the amount, which was entrusted to him.

In that view of the matter, this Court cannot direct for payment of retirement benefit to the petitioner unless he clears all his dues and obtains a No Dues Certificate from competent authority after handing over the charge of police including amount which was entrusted to him in capacity of Headmaster of the school.

It is, however, made clear that once the petitioner has given No Dues Certificate by the competent authority on the report of by his successor Headmaster stating that all the dues of the petitioner has been cleared by him and the complete charge has been handed over to him, the petitioner's full payment of

retirement benefit shall be made within a period of three months from the date of issuance of such No Dues Certificate.

With the aforementioned observation, this application is disposed of.

**(Mihir Kumar Jha, J)**

Rishi/-

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