

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6285 of 2015

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Shyam Nandan Lal, son of late Srikant Lal, resident of MOhanpur Road,
Sought of DAV School, Samastipur, P.S.- Samastipur Muffasil, District-
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The Principal Secretary, Education department, Government of Bihar,
Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Darbhanga.
5. The District Programme Officer (Establishment), Samastipur.
6. The District Education Officer, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate.
For the Respondent/s : Mr. Rajesh Singh, GP 16

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 06-07-2015 Heard learned counsel for the parties.

2. Having regard to the fact that the petitioner, a senior retired teacher as also an Incharge Headmaster of High School Baghi Samastipur, his grievance with regard to non-payment of all retirement benefit including pension, despite submission of his pension papers, will squarely depend on the grant of No Dues Certificate by the competent authority.

3. It is submitted that the petitioner has highlighted the aspect before the competent authority that one Ram Naresh Prasad, who unauthorisedly became Acting Headmaster of the aforesaid school, despite of an order for working of the petitioner

as an Acting Headmaster, has run away with the records of the school and thus has created a situation in which such No Dues Certificate cannot be issued by anyone.

4. This Court would direct the District Education Officer, Samastipur to examine the matter and ensure that if there is no dues against the petitioner, his sanction of retirement benefit is accorded at the earliest for sending the pension papers to the office of the Director Secondary Education so that the authorization of the pension and gratuity is also processed by the office of the Accountant General.

5. If, however, the District Education Officer, Samastipur finds that the certain charge of materials or money entrusted to the petitioner has not been handed over by him, he would ask the petitioner to furnish such charge whereafter on being satisfied with the petitioner handing over such charge, he will issue No Dues Certificate and also takes steps for grant of retirement benefit to the petitioner as well as sending the pension papers for sanction by the Director Secondary Education and authorization by the office of the Accountant General.

6. Keeping in view that the petitioner himself has to now play certain role in getting his pension by way of obtaining No Dues Certificate, this Court would direct the petitioner to

approach the office of the District Education Officer, Samastipur with a copy of the representation along with a copy of this order, whereafter necessary decision shall be taken by the District Education Officer, Samastipur within a period of three months from the date of receipt of a copy of this order.

7. It goes without saying that if the District Education Officer, Samastipur issues No Dues Certificate, he will immediately recommend the case of the petitioner for sanction of pension by the Director, Secondary Education, who is the controlling authority of the cadre of teachers of High Schools.

8. The Director, Secondary Education, after proper examination of the case of the petitioner, will do the needful to ensure that the retirement benefit of the petitioner is paid to him in accordance with law at the earliest, but not later than four months from the date of receipt of No Dues Certificate issued from the office of the District Education Officer, Samastipur.

9. If for any reason, either by the authorities or District Education Officer or Director, Secondary Education, find(s) the petitioner ineligible for grant of either retirement benefit for want of No Dues Certificate and/or in handing over the charge of the post of Headmaster occupied by the petitioner though for a very brief period of at least one month, the reasons for the same shall

also be communicated to the petitioner by either of the aforesaid authorities or by both of them, as the case may be.

10. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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