

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6336 of 2015

Nagendra Sharma, Son of Late Bhagwat Sharma, Resident of Village - Berpa,  
Police Station - Rafiganj, District - Aurangabad.

.... .... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, West Champaran, Bettiah.
4. The District Programme Officer, West Champaran, Bettiah.
5. The Block Education Officer, Madhubani, West Champaran.
6. The District Provident Fund Officer, West Champaran, Bettiah.
7. The Treasury Officer, West Champaran, Bettiah.
8. The Accountant General, Bihar, Patna.

.... .... Respondents

**Appearance :**

For the Petitioner : Mr. Narendra Kumar, Advocate  
For the State : Mr. Madhav Prasad Yadav, G.P.23,  
Mr. Sanjay Kumar, A.C. to G.P. 23  
For the A.G. : Mr. Amar Nath Singh, Advocate  
For the Respondent/s : Mr. ANIL KUMAR

**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

ORAL JUDGMENT

**Date: 30-08-2016**

Heard parties.

It is contended on behalf of the petitioner that Vide Annexure 17, Accountant General has issued pension intimation memo for payment of pension after fixation and vide Annexure 18 PPO has been issued of Rs.9,56,340/- for payment of DCR amount, however, vide Annexure 19 dated 31.12.2015, the District Programme Officer, Establishment has written a letter to the Accountant General to keep the aforesaid PPO and GPO in abeyance as sanction order was wrongly issued with respect to the petitioner.

It is contended that unless a decision is taken by the Director, Primary Education such sanction could not have been made by the concerned authority.

In above view of the matter, this writ application is being disposed of with a direction to the respondent no.2, the Director, Primary Education, Government of Bihar, Patna to take a decision with respect to the petitioner with respect to the DCRG and other retiral dues within a period of two months from the date of receipt/production of a copy of this order. While doing that, he would be obliged to consider the various decision of this Court with respect to the grant of pension etc. including the decision of the Apex Court rendered in **State of Jharkhand & Ors. Vs. Jitendra Kumar Srivastava & Anr. (Civil Appeal No.6770 of 2013) with C.A. No.6771/2013.**

The petitioner would also be required to file a detailed representation along with a copy of this order and while doing so, he would be at liberty to raise all the grounds which would be available to him under law and those should be considered by the Director, Primary Education, Government of Bihar, Patna.

Sanjay-II/-

**(Dr. Ravi Ranjan, J)**

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| AFR/NAFR          | NAFR       |
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