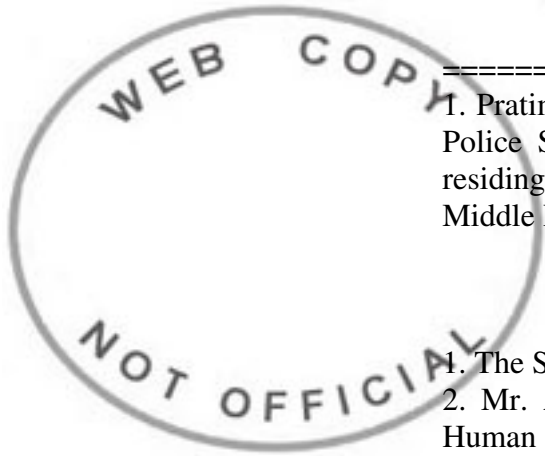


IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1674 of 2015
In
Civil Writ Jurisdiction Case No. 19079 of 2011



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1. Pratima Kumari wife of Late Surendar Prasad, R/O Village - Salempur, Police Station - Bena, P.O. - Chandaura, Distt.- Nalanda at present residing at C/o Sri Vishwanath Prasad Advocate, Shyam Kunj Road No. 17, Middle Rajiv Nagar, Patan - 24

.... Petitioner/s

Versus

1. The State of Bihar
2. Mr. Anjani Kumar Singh, Commissioner cum Secretary Primary, Human Resources Development, Govt. of Bihar, Patna
3. Mr. Ashutosh, Director Primary Education Officer, Government of Bihar, Patna
4. Mr. Deo Sil, District Education Officer, Nalanda, Biharsharif
5. Mrs. Usha Kumari, Head Master /Incharge Head Master, Sarvodaya Middle School, Sohsarai, Biharsharif at Nalanda
6. Mr. Anil Kumar Sinha, Director Provident Fund, Pant Bhawan, Patna
7. Mr. Gulab Hassan, District Provident Fund Officer, Biharsharif, Nalanda
8. Mr. Sanjay Kumar Agarwal, District Magistrate, Nalanda, Biharsharif
9. Mr. Surendra Prasad, Treasury Officer, Nalanda
10. Mr. Ram Padarth Singh, Treasury Officer, Patna
11. Mr. I.D.S. Dhariwal, Accountant General, Bihar Birchand Patel Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha
With Vishwanath Prasad

For the Respondent/s : Mr. Raju Giri, GP-30
With Mr. Nikhil Kr. Agarwal, AC to GP

For Accountant General : Mr. Vivekanand Kunal

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 13-01-2016 I have perused the show cause reply filed on behalf of

Opposite party no.2 through which the order passed by the

Principal Secretary, Education Department dated 15.12.2015 in

compliance of the Court's order dated 13.10.2014 in CWJC No.

19079 of 2011 has been brought on record.

The petitioner has alleged intentional breach of the said order of this Court dated 13.10.2014.

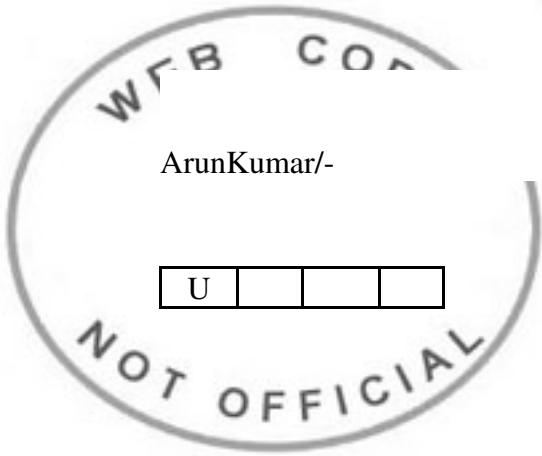
However, upon perusal of the order passed by the Principal Secretary, Education Department, dated 15.12.2015, I am of the view that no case of deliberate disobedience of this Court's order is made out.

Learned counsel for the petitioner has drawn my attention to the order of this Court, dated 13.10.2014 wherein it was observed that the petitioner appeared to be right in her contention that her husband was entitled for leave encashment also. However, I find that, in the facts and circumstances of the case, this Court had directed the Principal Secretary, Education Department, Government of Bihar to take a final decision, in compliance of which the Principal Secretary, Education Department has passed the order, dated 15.12.2015. I am, therefore, not inclined to proceed any further in the present matter.

It goes without saying that the petitioner shall have the liberty to assail the order, dated 15.12.2015 passed by the Principal Secretary, Education Department, Government of Bihar in appropriate proceeding.

This application stands disposed of with the

observation as aforesaid.



(Chakradhari Sharan Singh, J)