

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8449 of 2012

=====

Sada Nand Prasad Singh son of Late Dinesh Prasad Singh, resident of village-
Kharaihiya, P.S.- Akbar Nagar, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna
3. The Accountant General, Bihar, Patna
4. District Education Officer, Khagaria
5. District Education Officer, Begusarai
6. District Education Officer, Darbhanga
7. Treasury Officer, Darbhanga

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Pravina Kumari, Advocate
For the State : Mr. Anwar Karim, G.P.10
: Mr. K.P.Gupta, A.C. to G.P.10
For the Accountant General : Mr. Mani Kant Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 28-11-2016

The petitioner, a retired Head Master of Kharari High School, Darbhanga, has filed this writ petition for calculating his pension and other retrial benefits by treating him in service from 8.8.1968 instead of 1.3.1979.

2. Admittedly, the petitioner retired from service on attaining the age of superannuation on 31st January, 1997. It is indeed not in dispute that he has got all his post retrial dues and is getting his pension since the date of retirement. No dispute was raised by the petitioner till 25th April, 2012 in respect of calculation of service for



the purpose of pension by the petitioner. However, after a lapse of fifteen years from the date of retirement, a controversial issue has been raised by the petitioner that prior to his joining in Ram Sakhi High School, Begusarai on 1.1.1979 he was working as an Assistant Teacher in High School, Mathurapur from 8.8.1968 to 28.2.1979. The said fact was examined by the State and the State has categorically stated in its affidavit that the petitioner has failed to produce any record to show that prior to 1.1.1979 he had served in any recognized school. Apart from the facts of the case noted above, I am of the opinion that this application is fit to be dismissed on the principle of delay and laches alone.

3. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	3.12.2016
Transmission Date	

