

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6897 of 2016

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1. Pramod Narayan Mishra Son of Late Rati Kant Mishra, Resident of Village - Rampurdih, P.S. - Bishanpur, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The District Programme Officer, Establishment, Darbhanga.
4. The District Education Officer, Darbhanga.
5. The Block Education Officer, Dahadurpur, Darbhanga.
6. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Respondent/s : Mr. GA 9- Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03 10.08.2017

1. Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. It is undisputed fact that the petitioner joined as teacher on 13.8.1980 in Primary School, Ekmi and after completion of the age of superannuation, he superannuated from service on 31.4.2014 but before his superannuation, some persons gave a petition to respondent no.2- the District Magistrate, Darbhanga making allegation of impersonation against the petitioner. The aforesaid allegation was enquired by respondent no.3 and Bahadurpur P.S. case no. 161/2012 under sections 420, 467, 468 and 471 of the Indian Penal Code was lodged against the petitioner. Further after due investigation, police submitted final form showing 'a mistake of fact'. The aforesaid final form was accepted by the concerned Magistrate and the record was



consigned to record room. Petitioner approached respondents for grant of his retiral benefit but nothing was paid to him. It is obvious from perusal of the pleadings of the petitioner that no departmental proceeding was initiated against him either on the basis of allegation petition filed against the petitioner or on the basis of institution of the FIR and, therefore, it is apparent from the materials available on record that neither any departmental proceeding nor any criminal case is pending against the petitioner.

3. Therefore, in the aforesaid circumstances, this writ petition stands disposed of directing respondent nos.3 and 4 to ensure payment of retiral dues of the petitioner in accordance with law within four months from the date of receipt/production of a copy of this order. However, if the above stated respondents come to the conclusion that the petitioner is not entitled for any retiral dues, the aforesaid respondents shall pass a reasoned order denying claim of the petitioner within the above stated period of four months.

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(Hemant Kumar Srivastava, J)

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