

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11000 of 2016**

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David Peter son of late Peter John, resident of village- Rampratapnagar, Arrah,  
P.S.- Nawada (Arrah), District Bhojpur at Arrah.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,  
Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Joint Director, Secondary Education, Government of Bihar, Patna.
4. The Headmaster, Catholic High School, Arrah, Bhojpur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate  
For the State : Mr. Ajay Behari Sinha, G.A.-8  
: Ms. Kalpana, A.C. to G.A.-8

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**  
**Date: 20-04-2017**

Heard learned counsel for the petitioner and learned counsel  
for the State.

2. The question involved in the present writ application is  
as to whether or not the teachers employed in Non-Government Aided  
Minority Schools can avail the benefits of encashment of leave.

3. The facts of the case are not in dispute.

4. The petitioner was initially appointed as an Assistant  
Teacher in Catholic High School, Arrah, Bhojpur. The school of the  
petitioner is a minority school in the district of Arrah. The  
government approved the services of the petitioner and he  
superannuated on 31<sup>st</sup> January, 2016 from the service of Catholic  
High School, Arrah.

5. It is submitted by the learned counsel for the petitioner



that the issue involved in the present case has already decided by this Court in **C.W.J.C. No.10535 of 2016 (Raghib Hassan vs. The State of Bihar & Others)**.

6. A counter affidavit has been filed on behalf of the State wherein all the facts stated in the writ application have been admitted. However, it is stated in paragraph 9 of the counter affidavit that the department has decided to take legal opinion on the issue in question in coming days.

7. Considering the fact that the present case is squarely covered by the decision of this Court in **Raghib Hassan vs. The State of Bihar & Others** (supra), the writ application is disposed of on the same terms. The respondents are directed to pay all the dues of leave encashment to the petitioner as per the entitlement without any delay preferably within a period of three months from the date of production of a copy of this order failing which the respondents would be liable to pay interest at the rate of eight per cent per annum on such delayed payment from the date the amount became due till the date of actual payment.

(Ashwani Kumar Singh, J)

Md.S./-

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