

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10886 of 2016

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Harendra Kumar Rao Son of Late Baidyanath Rao resident of Village-Karhari, P.S.-Sathi, District-West Champaran at Bettiah

.... Petitioner

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 Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, West Champaran at Bettiah
5. The District Programme Officer (Establishment), West Champaran at Bettiah
6. The Headmaster, Minority Aided Janta Middle School, Anchal-Narkatiaganj, West Champaran at Bettiah

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the State : Mr. Aditya Nath Jha, AC to SC-18.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 19-08-2017 Heard learned counsel for the petitioner as well as learned counsel appearing for the State.

Admittedly, petitioner was appointed teacher in a minority aided middle school in the district of West Champaran and superannuated from service on 28.02.2010 and got all retiral benefits except earned leave which was not paid to him on the basis of government letter no. 23/B 1-42/82 C 68 dated 06.06.1983/ 29.06.1983 which prohibits to grant earned leave to the teachers of minorities aided middle schools.



Submission on behalf of the petitioner is that similar and identical question arose in C.W.J.C. No. 23 of 2015 and a co-ordinate Bench of this court directed the State and other respondents to make payment of leave encashment denying the application of above stated letter no. 23/B 1-42/82 C 68 dated 06.06.1983/ 29.06.1983 and the aforesaid order of co-ordinate Bench of this court passed in C.W.J.C. No. 23 of 2015 was confirmed by the Division Bench of this court vide judgment dated 16.03.2017 passed in L.P.A. No. 1856 of 2016.

In view of the aforesaid facts and circumstances, this writ petition stands disposed of giving direction to respondent no. 4 to ensure the payment of earned leave of the petitioner within three months from the date of receipt/production of copy of this order.

(Hemant Kumar Srivastava, J)

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