

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16880 of 2015

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Clarence Stanislaus, Son of Late Stanislaus Peregino, resident of Mohalla- Church
Road Bettiah, P.S.- Bettiah Town, District- West Champaran at Bettiah.

.... 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 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, Mission Middle School, Bettiah, West Champaran at Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-09-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following
relief:

*“That this is an application for issuance of
an appropriate Writ/order/direction for directing and
commanding the respondent authorities to pay the
amount of earned leave with statutory interest to the
petitioners who has been retired from the services of
the Mission Middle Schools from the District of West
Champaran at Bettiah and for grant of any other*



consequential or incidental relief/reliefs to which the petitioner may be found legally entitled to in the facts and circumstances of the case.”

3. Initially, the petitioner had filed a common writ petition, C.W.J.C. No. 23 of 2015 (**Charley Lazarus and Ors. vs. The State of Bihar and Ors.**), and by order dated 08.01.2015, the said writ petition was restricted to only Charley Lazarus, and the petitioner was permitted to file separate writ petition and thus, he has filed the present writ application.

4. Learned counsel for the petitioner submitted that in C.W.J.C. No. 23 of 2015 in the case of **Charley Lazarus** (supra), the Court by order dated 03.08.2015, had held that the teachers of aided minority schools are also entitled to Leave Encashment. It was also submitted that the said decision has been affirmed by a Division Bench in L.P.A. No. 1856 of 2016, by order dated 16.03.2017.

5. Learned counsel for the State is not in a position to controvert the fact that the petitioner is similarly situated to Charley Lazarus, the petitioner in C.W.J.C. No. 23 of 2015.

6. In view thereof, the writ petition stands disposed off in terms of the order dated 03.08.2015 passed in C.W.J.C. No. 23 of 2015, in the case of **Charley Lazarus** (supra).

7. The respondents are directed to pay Leave Encashment amount, as per the entitlement of the petitioner, within



two months from the date of production of a copy of this order before
the respondent no. 4.

(Ahsanuddin Amanullah, J.)

P. Kumar

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