IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16329 of 2014

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1. Md. Nazir Hussan S/o Late Syed Abdul Rafay R/o Village + P.O. Bazidpur, Via - Lalbigha, P.S. Kashi Chak, Distt. - Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Deptt. Govt. of Bihar, Patna
3. The Director, Secondary Education, Govt. of Bihar at Patna
4. The District Education officer, Nawada

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Arshal Alam
For the Respondent/s : Mr. AC to GP 3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

3 13-07-2017 It is unbelievable that an employee reported after recovery from illness on 25.11.1977 and thereafter gone in hibernation for almost 40 years before filing the present writ application seeking retirement benefit. If the petitioner has not served the State and chose to go absent and missing for decades together and never bothered to even approach the High Court at any point of time between 1977 and filing of the writ application then obviously, this is a contrived kind of writ application filed on begotten kind of documentation to derive the benefit, which cannot be accepted.

Such long absence by itself amounts to voluntary abandonment of service by the petitioner and he cannot be given any benefit under any interpretation of law.

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Writ is dismissed.

(Ajay Kumar Tripathi, J)

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