

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19469 of 2015

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Md. Shamsul Haque Ansari son of Md. Shafi Ansari, resident of village- Nowatoli
P.O.- Pirpanti, P.S.- Pirpanti, District -Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources
Development Department, Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. The District Programme Officer, Bhagalpur.
5. The District Education officer, Bhagalpur.
6. The Treasury Officer, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Pravina Kumari, Advocate
For the State : Mr. Gopal Krishna, A.C. to G.A.-2
For the Accountant General : Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-03-2017

The instant writ application has been filed by the petitioner for directing the respondents to calculate the service period during which he worked as a teacher in Primary School, Mustafapur (Nagar Nigam) and Government Middle School, Tatarpur, Bhagalpur and then calculate and pay his pension and other retiral benefits.

2. It is submitted by the learned counsel for the petitioner that the petitioner was appointed on 27.10.1975 in Primary School, Mustafapur (Nagar Nigam), Bhagalpur in the light of the order dated 10.10.1975 issued by the Sub-Divisional Education Officer, Bhagalpur. Subsequently, he joined in Shermari High School,



Pirpanti, Bhagalpur on 21.01.1983 in the light of the order dated 20.01.1983 issued by the Director, Secondary Education, Bihar, Patna. The petitioner retired on attaining the age superannuation on 31st July, 2006. Thereafter, he was regularly representing before the respondents to calculate the period spent by him in Primary School, Mustafapur (Nagar Nigam) and Government Middle School, Tatarpur, Bhagalpur from 27.10.1975 to 21.01.1983, but no heed was paid to his request. Learned counsel for the petitioner submitted that retirement benefits of the petitioner have been calculated on the basis of services rendered by him from 21.01.1983 till the date of his retirement.

3. A counter affidavit has been filed on behalf of respondent no.5, the District Education Officer, Bhagalpur wherein it is contended that vide letter no.2803 dated 25.10.2007, letter no.2088 dated 11.04.2008 and letter no.1723 dated 18.06.2008 the petitioner's original service book was sent to the Director, Secondary Education, Patna by registered post for necessary action in the matter.

4. Learned counsel for the State submitted that since the matter is pending for consideration before the Director, Secondary Education, Patna, respondent no.2, any decision in respect of claim of the petitioner would be taken only after receipt of appropriate order from the Directorate level.



5. I have heard learned counsel for the parties and perused the record.

6. In the light of the submissions made above, I direct the petitioner to file a representation before the Director, Secondary Education, Bihar, Patna raising his claim within a period of four weeks from today along with a copy of the order. In case of filing of representation, the Director, Secondary Education, Bihar, Patna shall examine the claim of the petitioner and pass appropriate order(s) in accordance with law within a period of two months. In case claim of the petitioner is found admissible, the Director, Secondary Education, Bihar, Patna shall also be obliged to issue necessary orders directing the competent authority to make payment of admissible amount to the petitioner without any delay.

7. With the aforesaid observations and directions, the writ application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	9.3.2017
Transmission Date	

