

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4474 of 2016

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Rabia Tabassum Daughter of Late Abdul Haleem Siddique, Resident of Mohallla- Olayee House, White House Compound Road No.03, Gaya Police Station- Rampur, District- Gaya.

... .. 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, Gaya.
5. The District Programme Officer (Establishment), Gaya.
6. The Head Master, Urdu Girls, Middle School, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. A.P. SINGH- SC15

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

3 19-08-2017 Heard Mr. Sanjay Kumar for the petitioner and AC to SC
22 for the State.

The petitioner retired as Headmistress of a government aided minority school with effect from 30.06.2012. She was paid all the retiral dues except the leave encashment. The same was denied by the respondents on the basis of the letter dated 29.06.1983 wherein such employee was entitled only to pension, provident fund and the gratuity. A writ petition was filed challenging the refusal of the State respondent to pay the leave encashment amount to such employee. A Bench of this Court vide order dated 20.04.2017 passed in CWJC No. 11000



of 2016 allowed the writ petition. Relying on the decision rendered in CWJC No. 10503 of 2016, the State respondent filed a letters patent appeal against the said order vide LPA No. 1856 of 2016.

Counsel for the petitioner submits that the said writ appeal was dismissed by a Division Bench on 16.03.2017. A web copy of the said order has been handed in by him which is taken on record and marked X for identification.

In view of aforesaid, the Court finds no difficulty in directing the respondents, particularly respondent no.4 to consider and grant the claim of the petitioner for payment of leave encashment amount admissible to her within five weeks from the date of filing of a fresh application for such grant by the petitioner along with a copy of the order dated 16.03.2017 passed in LPA No. 1856 of 2016 as well as the present order.

(Kishore Kumar Mandal, J)

HR/-

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