

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16373 of 2015

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Sri Gaya Prasad, son of Late Amareo Prasad, resident of Village- Gamahriya
Khurd, Police Station- Adapur, 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, Aided Janta Middle School, Murti Anchal- Narkatiyaganj, West Champaran at Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 24-05-2017

Heard learned counsel for the petitioner and State.

2. Counter affidavit has been filed on behalf of respondents
no. 3, 4 and 5.

3. The petitioner had moved the Court for a direction to the
respondents to pay the amount of leave encashment due to him.

4. The petitioner superannuated as Assistant Teacher from
Aided Janta Middle School in the district of West Champaran at
Bettiah which was a minority aided school. Upon superannuation,



though he was granted his other retiral benefits but he was not given the benefit of leave encashment forcing him to approach this Court.

5. Learned counsel for the petitioner submitted that the issue stands concluded by a decision of this Court dated 03.08.2015 passed in C.W.J.C. No. 23 of 2015 in the case of **Charley Lazarus v. The State of Bihar & Ors.** which has been affirmed on 16.03.2017 in L.P.A. No. 1856 of 2016.

6. Learned counsel for the State does not dispute the position.

7. Having considered the matter, the writ petition stands disposed off in terms of order dated 03.08.2015 passed in C.W.J.C. No. 23 of 2015.

8. The respondents are directed to pay the leave encashment amount as per the entitlement of the petitioner within a period of two months from the date of production of a copy of this order before the respondent no. 4.

(Ahsanuddin Amanullah, J)

Anjani/-

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