

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9010 of 2014

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1. Ganesh Jee Mishra S/O Late Raj Kishor Mishra, R/O- Vill+P.O.- Matila, P.S.- Koran Sarya, Distt- Buxar
 2. Banshidhar Mishra S/O Late Radhyshyam Mishr, R/O- Mohl- Tathari Bazar, Ward no.21, Dumraon, P.S.- Dumron, Distt. Buxar
 3. Surendra Prasad Sahay. S/O Late Sauju Prasad Sahay, H/O- Late Pushplata Verma, R/O- Mohl- Rajgarh (Inside Dumron Raj Ke Garh), P.S.+P.O.- Dumron, Distt. Buxar
 4. Prabha Nath Tiwari, S/O- late Jagannath Tiwari, H/O late Bimla Tiwari, R/O- Mohl- Chatiya Pokarha (Purana Talab), P.O.+P.S.- Dumaron, Distt.- Buxar

.... Petitioners

Versus

1. The State of Bihar
2. The Secretary, Primary Education, Govt. of Bihar, New Secretariat, Patna
3. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna
4. The Director, Provident Fund, Govt. of Bihar, R-Block, Patna
5. The District Superintendent of Education-cum-Program Officer (Establishment), Buxar, District Buxar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate
Mr. Kritya Nand Jha, Advocate
For the State : Mr. Jai Prakash Sharma, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-03-2017

The instant writ application has been filed by the petitioners for directing the respondents to pay the difference of interest or salary as per provision prescribed for payment of interest



under the head of provident fund on the date of actual payment for the period 01.01.1971 to 31.03.1973.

2. The petitioner nos. 1 and 2 retired from Primary School Kajina, Buxar and Middle School Baruna, Buxar on 31.05.2010 and 30.04.2007 respectively. The petitioner no. 3 is the husband of deceased retired teacher Pushplata Verma who retired from Maharani Usharani Balika Middle School, Dumaron, District-Buxar on 31.10.2002 whereas petitioner no. 4 is the son of deceased retired teacher Bimla Tiwari who retired from Middle School Mahabir Chautra, Dumaron, Buxar on 31.01.1999.

3. It is contended by the learned counsel for the petitioner that the Director, Primary Education, Government of Bihar, Patna had issued a letter on 27.05.1992 addressed to all the District Superintendents of Education, Bihar, Patna whereby it was directed that the difference of pay from 01.01.1971 to 31.03.1973 with interest should be deposited in the provident fund account of teachers and the same should be paid to the teachers at the time of their retirement. It is stated that in the case of the petitioners, the interest has not been paid as admissible on deduction made under the head of GPF rather only 6 percent interest has been given to the petitioners. It is further contended that some other teachers like petitioners have been allowed 10 per cent interest over the dues



amount of difference of pay from 01.01.1979 to 31.03.1973.

4. *Per contra*, learned counsel for the State submitted that in **LPA No. 794 of 2002 (State of Bihar & Ors. vs. Prathmik Shikshak Sangh, Gopalganj**, after hearing the parties and considering the matter in its entirety vide order dated 07.02.2003, the Division Bench directed the appellant- State of Bihar to pay the arrear of salary of the teachers from 01.01.1971 to 31.03.1973 with interest at the rate of 6 per cent per annum. He submitted that accordingly, in the case of the petitioners also, the Principle Secretary, Education Department, Government of Bihar directed for payment of 6 per cent interest on the dues salary of the petitioners and the amount has already been credited to their account.

5. I have heard learned counsel for the parties and perused the record, including the order dated **07.02.2003** passed in **LPA No. 794 of 2002**.

6. I find force in the contention advanced on behalf of the State. Since 6 per cent interest has been given to the petitioners in the light of the order passed by the Division Bench of this Court in **LPA No. 794 of 2002**, no illegality can be found with the action of the respondent-State. I also do not find any justification in claim of the petitioners for grant of interest at the



rate of 10 per cent. Accordingly, the writ application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2017
Transmission Date	NA

