

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6553 of 2011

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Ram Prit Yadav son of Late Bal Govind Yadav, resident of village- Paltubigha,
P.S.- Makdumpur, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources
Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Government of Bihar,
Patna.
3. The Director, Human Resources Department, Government of Bihar, Patna.
4. The District Superintendent of Education, Jehanabad.
5. The State of Jharkhand through the Secretary, Department of Education,
Government of Jharkhand at Ranchi.
6. The Secretary, Department of Education, Government of Jharkhand at Ranchi.
7. The Regional Deputy Director, Department of Education, Palamau Division at
Palamau in the State of Jharkhand.
8. The District Superintendent of Education, Palamau in the State of Jharkhand.
9. The District Superintendent of Education, Gadhwa in the State of Jharkhand.
10. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the State of Bihar : Mr. Krishna Kant Tiwari, A.C. to S.C.-27
For the State of Jharkhand : Mr. Satyavarta Verma, Advocate
For the Accountant General, Bihar : Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 02-03-2017

The petitioner, who is a retired teacher, has filed the present
writ application for calculating the pensionary benefits on the basis of



his initial date of appointment i.e., 24.09.1965 to 07.09.1971.

2. Learned counsel for the petitioner submitted that the petitioner was initially appointed as an Assistasnt Teacher by the then District Superintendent of Education, Palamu on 24.09.1965 vide office order contained in memo no.4501 dated 06.09.1965. He was posted in Government Primary School, Tori in Meral Block, the then Palamu District, which is presently known as Gadhwa. He worked as an Assistant Teacher in the said school since the date of his joining till 07.09.1971. He was subsequently appointed as an Assistant Teacher in Primary School, Sheikhpura, Ghoshi vide office order bearing memo no.8666 dated 31.08.1971 issued under the signature of District Superintendent of Education, Gaya as contained in Annexure-1 to the writ application. He joined in the said school on 8th September, 1971 and on attaining the age of superannuation he retired as an Assistant Teacher from Primary School, Kharoch, Gaya on 31st July, 1999.

3. It is submitted by the learned counsel for the petitioner that after retirement the petitioner submitted relevant documents for fixation of pension and also for payment of the amount of all other pensionary benefits but for the reasons best known to the respondents, the pension and the amount of other retiral benefits of the petitioner were calculated treating him to be appointed on 8th September, 1971. He submitted that the action of the respondents in not counting the



services rendered by the petitioner from 24.09.1965 to 07.09.1971 as an Assistant Teacher in Government Primary School, Tori is wholly illegal and arbitrary.

4. Per contra, learned counsel for the State submitted that the petitioner has not brought on record his appointment letter dated 24.09.1965 in the present writ application. He submitted that the appointment letter of the petitioner as contained in Annexure-1 to the present writ application would make it clear that it was a fresh appointment made on 31.08.1971 pursuant to which he joined the Primary School, Sheikhpura, Ghoshi on 8th September, 1971 and all his retiral benefits have been paid treating him to be in service since the date of his appointment. He submitted that though the petitioner retired in the year 1999, a belated claim after twelve years of his retirement has been made by the petitioner on imaginary grounds.

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

6. I find substance in the argument of the learned counsel for the State.

7. On perusal of the appointment letter of the petitioner as contained in Annexure-1 to the present writ application, it would be apparent that the petitioner was appointed as a Matric Trained Teacher on temporary basis in Primary School, Sheikhpura, Ghoshi



vide memo no.8666 dated 31.08.1971. By the said appointment letter, he was directed to submit his joining within fifteen days of receipt of the letter. It clearly stipulates that newly appointed teacher would have to produce all educational qualification certificates, certificate of fitness issued by the Medical Officer, certificate regarding proof of age in original along with three sets of attested copies at the time of first joining before the Inspector of Schools. It further stipulates that the appointee would ensure within one month that his service book is opened in triplicate out of which he should keep one copy with himself, the second copy should be kept by the concerned Inspecting Officer and the third copy should be transmitted to the Superintendent of Education, Gaya.

8. In view of these facts, I am of the considered opinion that even if the petitioner would have been appointed earlier in the year 1965, he abandoned his first service. He participated in a fresh selection process and his appointment vide letter of appointment as contained in Annexure-1 to the present writ application was a fresh appointment. Hence, his past service, if any, cannot be counted for the purpose of pension.

9. Even otherwise, no relief can be granted to the petitioner as he has approached this Court after twelve years of his retirement. It is well settled that a person who sleeps over his right does not deserve



any discretionary relief by the writ court. Thus, the application is fit to be dismissed on the principle of delay and laches alone.

10. In view of the discussions made, hereinabove, the writ application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	7.3.2017
Transmission Date	

