

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8126 of 2018

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Shobhakant Jha, S/o Late Atindra Jha, Resident of Village- Kharahara, P.S.- Barahat, District- Banka, at present Superannuated Assistant Teacher .w.e.f. 01.04.2015 of Amar Sahid Satish Project Girls High School, Kharahara, P.S.- Barahat, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Human Resources, Vikas Bhawan, New Secretariat, Jawarharlal Nehru Marg, Bihar, Patna.
3. The Director (Secondary Education), Department of Human Resources, Intermediate Council Bhawan, Budha Marg, Bihar, Patna.
4. The Regional Deputy Director of Education, Department of Human Resources, Bhagalpur Division, Bhagalpur.
5. The District Education Officer, Banka.
6. The District Programme Officer (Establishment), Education Department, Banka.
7. The Head Master, Amar Sahid Satish Project Girls High School, Kharahara, P.S.- Barahat, District- Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kalika Nand Jha, Advocate
For the Respondent/s : Mr. S.C.MISHRA -SC16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 03-05-2018

Heard learned counsel for the petitioner and respondents.

2. Learned counsel submits that due to typing error committed by the respondents, the petitioner is deprived of his legitimate dues. From different annexures, it would be apparent that the petitioner's date of birth is 18.03.1955, but in certain document it was shown to be 18.03.53 and on the basis of that typing error, the legitimate dues of the petitioner have been denied by the respondents.



3. Learned counsel for the petitioner placed reliance on Annexure-1, the Matriculation Certificate to indicate that the date of birth as per Matriculation Certificate, which is taken as conclusive proof of date of birth is 18.03.1955.

4. Learned counsel for the petitioner by placing reliance Annexure-11 submits that the issue with regard to payment of salary is pending before the Director (Secondary Education), Bihar. He submits that appropriate direction may be issued to the Director (Secondary Education), Bihar to take final decision on the letter bearing no. 2915 dated 22.11.2014.

5. The Court without expressing any opinion on the merit of the claim of the petitioner directs the respondents to examine the service book and the documents appended to the service book to ascertain the actual date of birth entered in the service book and to decide the entitlement of the petitioner on the basis of the materials available in the service book of the petitioner.

6. The Director (Secondary Education), Bihar is hereby directed to take final decision on the letter as contained in Annexure-11, if not already taken, within a maximum period of 60 days from the date of receipt/production of a copy of this order and to consider the entitlement of the petitioner accordingly. Entire decision with regard to the entitlement of the petitioner shall be worked out



within the period indicated hereinabove.

7. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2018
Transmission Date	

