

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12636 of 2016

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Subodh Kumar Sudhanshu, Son of Late Chamak Lal Choudhary, Resident of village- Sirajpur, Police Station- Parbatta, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Munger Division, Munger.
4. The District Education Officer, Khagaria.
5. The District Programme Officer (Scheme and Expenditure), Khagaria.
6. Incharge Headmaster of Pandit Saryu Hazari Project Girls Inter College, Dumariya Bujurg, Parbatta , District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate

For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 12-03-2018

1. Heard learned counsel for the petitioner and State.

2. This writ application has been filed after service of two advance copies on 04.08.2016 to the office of learned Advocate General.

3. The petitioner has filed the present writ application that respondent no.4 may be directed to ensure take over of charge from the petitioner, as the petitioner was working as incharge Headmaster of the school and for grant of consequential benefits to the petitioner to which he is entitled to while functioning as incharge Headmaster of the school.

4. Learned counsel for the petitioner has submitted



that after long legal battle pertaining to Project High School, the matter traveled to Hon'ble Apex Court and only after the decision of the Hon'ble Apex Court, petitioner was paid salary for the period 24.06.2008 to 31.01.2016. Referring to Annexure-4, he submits that way back on 22.12.2015, the State Government took a decision to pay arrears of salary in five installments. So far as superannuated teachers and non-teaching staff are concerned, decision was taken to pay all the arrears of salary in one lump sum. Notwithstanding their own decision with regard to payment of arrears in one lump sum vide order dated 22.12.2015, the petitioner has not been paid his arrears and as a result of non-payment, the petitioner is facing financial hardship.

5. By way of filing supplementary affidavit, the petitioner has highlighted the effect for non-payment of arrears in discharge of obligation including the expenses likely to be incurred in the marriage of his daughter, which is scheduled to be held on 29.04.2018. By way of supplementary affidavit, the petitioner has indicated that in order to perform the marriage of his daughter at least provisional payment order may be made, so that he may discharge his pious obligation.

6. Since the State Government took a policy decision vide Annexure-4 for payment of entire dues in one lump sum to the retired employee, the petitioner belongs to that category and as such



he is entitled to entire payment of one time, but neither the respondents have filed counter affidavit nor the grievance of the petitioner has been redressed.

7. Under the aforesaid circumstances, the respondents are directed to implement their own decision dated 22.12.2015, as contained in Annexure-4, at the earliest and in any event before 15.04.2018, the respondents are required to ensure payment of at least 50% amount admitted by the respondent in terms of Annexure-4 and the rest 50% may be paid to the petitioner within a further period of one month (i.e. till 15.05.2018).

8. With the aforesaid observations and directions, the writ application stands disposed of.

9. It is needless to state here that after superannuation of the petitioner, it was the obligation of the respondent authorities including District Education Officer, Khagaria (respondent no.4) to ensure handing over charge by providing reliever, who may take over the charge from the petitioner. Such exercise of the relieving the petitioner may be completed preferably within a period of 15 days from the date of receipt/production of a copy of this order and on handing over charge, the petitioner may be granted necessary "No Objection Certificate", so that payment admissible to the petitioner is paid at the earliest preferably within the time frame, as indicated



hereinabove.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2018
Transmission Date	

