

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17131 of 2014

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Arun Pandey Son of Late Srinarayan Pandey Resident of Village - Andauli,
P.S. Ariari, District - Sheikhpura (Old Munger)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, New Secretariat,
Patna
3. The District Education officer, Munger
4. The District Education officer, Munger
5. The District Programme Officer (Establishment), Munger
6. The Deputy Development Commissioner - Cum - Chief Executive
Engineer, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh
For the Respondent/s : Mr. Ajay Bihari Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-08-2018 1. Heard learned counsel for the petitioner and
counsel appearing on behalf of the State.

2. After the order contained in Annexure-2, the respondents authorities were required to take decision but before respondents could take decision petitioner superannuated in the year 2012 and as such the action of the respondent while passing the Order contained in Annexure-3 is without jurisdiction as the relationship of master and servant comes to an end after superannuation and thereafter the decision contained in Annexure-3 is without jurisdiction and accordingly quashed.



3. However, considering the totality of the facts it is hereby declared that quashing of Annexure-3 will not preclude the respondents from taking action which is otherwise permissible under Rule 43 (B) of Bihar Pension Rules. If the State wishes to take action in the light of Annexure-2 to proceed against the petitioner under Rule 43 (B), appropriate decision in this regard may be taken by the State Government within a maximum period of four months from the date of receipt/production of a copy of this order.

4. In case no proceeding is drawn against the petitioner under rule 43 (B) within the aforesaid time, petitioner shall be entitled to all consequential benefits.

5. With the aforesaid liberty the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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