

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17712 of 2017

=====

1. Bashishtha Shahi Son of Nageshwar Shahi resident of village and P.O. Paterha,
P.S. Maharajganj, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, Secondary Education, Government of Bihar, Budh Marg, Patna.
2. The Director, Secondary Education, Government of Bihar, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Saran Division, Chapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.

Mr. Akhilesh Kumar Sinha, Adv.

For the Respondent/s : Mr. MADANJIT KUMAR - GP20

Mr. Narendra Kumar, A.C. to G.P.20.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 07-05-2018

Heard the learned counsel of the petitioner and counsel
appearing on behalf of the petitioner.

Vide order dated 05.12.2017, six weeks time was granted to the
respondent to file counter affidavit. Almost six months have passed
but the respondent have not filed any counter affidavit.

In the aforesaid facts and circumstances, the Court is constraint
to dispose of the writ application which was filed for a direction to the
authority to consider the case of petitioner for counting his continuous
service with effect from 01.03.1975 to 16.06.1980 and to calculate the
pension entitlement of the petitioner accordingly.

Learned counsel submits that the petitioner has filed several



representation contained in Annexure-7 series addressed to the Director, Secondary Education but till date, no decision has been taken. Considering the fact that neither counter affidavit has been filed nor the grievance of petitioner was redressed or any decision was taken on the representation filed by the petitioner as contained in Annexure-7 series, learned counsel submits that the writ petition may be disposed of with direction to the Director to take final decision.

In view of the above, this writ application is disposed of with a direction to the Director, Secondary Education to take final decision on the representation filed by the petitioner contained in Annexure-7 series within a maximum period of 60 days from the date of receipt of production of a copy of this order and it is found that the petitioner is entitled to any relief in the nature of enhanced pension by counting the period from 1.3.1975 to 16.06.1980, the consequential benefit in the nature of revised pension may be taken by the respondent within a maximum period of four months from the date of such decision.

With the aforesaid, this writ application stand disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

