

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3522 of 2018

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Raghvendra Kumar, son of Late Jagarnath Prasad, Resident of Mohalla-
Hanuman Nagar, Mustafabad, Near Hanuman Mandir, Road No. 4, Police
Station- Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Gaya.
5. The District Programme Officer (Establishment), Gaya.
6. The Headmaster, T. Model Half Time Industrial School, Gaya.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 3523 of 2018

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Amir Kumar Das, Son of Late Shyam Charan Das, Resident of Mohalla- Tel
Bigha, Chaudhary Gali, Police Station- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Gaya. null null
5. The District Programme Officer (Establishment), Gaya. null null
6. The Headmaster, T. Model Half Time Industrial School, Gaya.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 3522 of 2018)

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Madanjeet Kumar -Gp20

(In Civil Writ Jurisdiction Case No. 3523 of 2018)

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Prabhakar Jha- Gp27

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-12-2018

Heard learned counsel for the petitioners and learned



counsel appearing on behalf of the State.

Petitioners in the present writ application pray for payment of Earned Leave/Leave Encashment with admissible interest who retired from the service of Headmaster from Government owned Minority School.

Learned counsel for the petitioners submits that similar relief has been granted to the teachers of minority schools and has even been affirmed by the Division Bench. He refers to Annexure-2 to the writ application wherein the learned Single Judge in the case of **Charley Lazarus Vs. The State of Bihar & Ors. in C.W.J.C. No. 23 of 2015** decided on 03.08.2015 allowed payment of leave encashment as per the entitlement of the said employee which was affirmed by the Division Bench in LPA No. 1856 of 2016 vide order dated 16.03.2017.

It has been submitted by the learned counsel for the State that against the order passed by the Division Bench in L.P.A. No. 1856 of 2016 dated 16.03.2017, the State has preferred SLP before the Hon'ble Apex Court but he has been able to produce only the diary no. 7932 of 2018 which according to the petitioner had been filed only in the month of March, 2018 and does not even bear the SLP No.



Considering the facts of the case, this writ application is allowed in terms of the order passed in C.W.J.C. No. 23 of 2015 and affirmed by the Division Bench in L.P.A. No. 1856 of 2016. Respondent no. 4 is directed to pay the amount as per entitlement of the petitioner within a period of four months from the date of receipt/production of a copy of this order before respondent no. 4.

(Nilu Agrawal, J)

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